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ABSTRACT

As we face reconsideration and possible extension of the Education Amendments of 1972 and reconsideration and new legislation in connection with the Vocational Education Act of 1963, as amended in 1968, it is important to look at the legislative history, implementation and current status of Sections 1202 and 1203 including the current impact of establishing state postsecondary commissions. It is to such review and assessment that this report is directed. The first section is devoted to an analysis of the legislative history and implementation of Section 1202 up to the point at which the states responded to the invitation of the Commissioner of Education to designate or establish commissions. The second section deals with response of the states, the establishment of commissions, their structures and their proposals for planning as reported to the Office of Education. Special notation is included in relation to the involvement of the commissions with vocational education and manpower planning. The third section is concerned with some of the impact, continuity and problems related both to the legislation and to the establishment of state commissions. (Author)

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THE CHANGING MAP OF POSTSECONDARY EDUCATION

State Postsecondary Education Commissions (1202): Their Origin, Development and Current Status

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Education Commission of the States
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THE CHANGING MAP OF POSTSECONDARY EDUCATION

State Postsecondary Education Commissions (1202): Their Origin, Development and Current Status

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Report No. 66
Education Commission of the States
Denver, Colorado 80203
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April 1975

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PREFACE

Because of the potential impact of Section 1202, "State Postsecondary Education Commissions," and Section 1203, "Comprehensive Statewide Planning," of the Education Amendments of 1972 (P.L. 92-318) upon the states and their higher and postsecondary education agencies and institutions, the Education Commission of the States (ECS) has, from the first appearance of Section 1202 in the Senate version of the bill through passage of the Act, its implementation and state establishment of 1202 commissions, been concerned with keeping the states informed of developments in connection with the Act, both on federal and state levels, and their implications for the states and the postsecondary education community. Prior to the passage of the Act, analysis of various versions of the Act were distributed to the states. Subsequent to its passage, ECS published an analysis of the Act as a whole.[1]

In May 1972 while the Act was still in Conference Committee, ECS by resolution at its annual meeting in Minneapolis instructed the commission and its staff to "monitor these provisions to determine their impact on the present statewide organization of postsecondary education in the various states" not only to keep the states informed about developments but to consider suggestions for additional or modified legislation in the light of that impact. (See Appendix D-1, Chap. I, page 173). In accordance with this charge the ECS staff reviewed their activities on state levels in response to the legislation

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[1] Digest of Education Amendments of 1972 (Higher Education Omnibus Bill, S659), Report No. 29 (Denver, Colo: Education Commission of the States, June 1975), p. 24.

[2] T. Harry McKinney, "Establishment of State Postsecondary Education Commissions," Higher Education in the States, Vol. 4, No. 7 (Denver, Colo: Education Commission of the States, 1974), pp. 185-204.

prior to official federal implementation in March 1974 and in May 1974 published in Higher Education in the States the first analysis of state responses in terms of commissions as established, designated or augmented including their composition.

In the meantime, because of the linkage between the Section 1202 and vocational education in general and particularly as this related to Title XB on occupational education (although Title XB has never been funded or implemented), the National Advisory Council on Vocational Education (NACVE) also had followed the legislation and its implementation carefully. Through its director, Dr. Calvin Dellefield, the council, aware of the interest of the Education Commission of the States and Resolution IX from Minneapolis, proposed that the council make available funds through contract with ECS to help carry out the intent of Resolution IX with a more detailed study of Congressional intent, state activities and progress. With the authorization of the Steering Committee of the Education Commission of the States, a contract was entered into which would provide the states and the National Advisory Council on Vocational Education with the following information:

1. An analysis of Congressional intent and U.S. Office of Education implementation regarding the establishment of "1202" commissions.
2. An analysis of how the states have proceeded in establishing 1202 commissions including: (a) a breakdown of the membership of these commissions by state, and (b) provisions by the states for coordination of postsecondary planning with statewide vocational education and manpower planning.

3. An analysis of the advantages and disadvantages of the commissions as they seem to be developing regarding their ability to fulfill their functions as prescribed by law.

The project was under the direction of Dr. Richard M. Millard, Director of Higher Education Services for the Education Commission of the States with the aid of two consultants; Mr. Aims C. McGuinness Jr., Executive Assistant to the Chancellor, University of Maine, currently on leave to pursue his doctoral work at Syracuse University; and Dr. T. Harry McKinney, Professor of Higher Education, School of Education, Michigan State University. Mr. McGuinness assumed primary responsibility for analysis of Congressional intent and U.S. Office of Education implementation. Dr. McKinney assumed primary responsibility for how the states have proceeded in establishing 1202 commissions. Dr. Millard assumed primary responsibility for overall coordination of the project and the final section on impact and problems of the commissions. However, throughout the project, all three worked closely together and all three sections reflect the critique and suggestions of each of the investigators.

This final product should not be considered as reflecting official position of the Education Commission of the States, the National Advisory Council on Vocational Education or the institutions represented by the investigators. Any opinions expressed are those of the investigators in the light of the information developed to date. It should further be recognized that quite apart from and in addition to this contract, the Education Commission of the States will continue to watch the development and activities of state postsecondary commissions as a matter of vital concern to the states.

The authors would like to express their appreciation to Dr. Calvin Dellefield and the National Advisory Council on Vocational Education for their support in making this report possible. Appreciation should also be expressed to Ms. Ruth Tangman in Dr. Dellefield's office for her liaison assistance. Special appreciation should be expressed to Ms. Nancy Berve, Ms. Doris Ross and Mr. Tom James of the ECS staff for help in editing and manuscript preparation. We also would like to acknowledge the major cooperation and assistance given to the investigators by Dr. John D. Phillips, Associate Commissioner for Student Assistance in the U.S. Office of Education, and by Mr. Charles Griffith who is directly responsible for working with the states in implementation of the 1202 commissions in the U.S. Office of Education. Finally, we wish to express our deep appreciation to the directors of state postsecondary education commissions in the states, the state higher education executive officers and state directors of vocational education without whose responsiveness to our inquiries this report would not have been possible.

Introduction

In July 1972, after the dust had settled in connection with the passage of the Education Amendments of 1972, a number of people in the academic community suddenly discovered that in that rather voluminous act was a short but very important passage entitled Section 1202. Most people had not been aware of it or if aware of it had paid little attention because of their concern with what appeared to be the far more major issues -- student aid and aid to institutions. In some quarters this was felt to be a sneaker that no one had been informed about. To others it was looked at as a Conference Committee ad hoc solution to the puzzle of how to get the community college bill and the occupational education bill into the final legislation. Others considered it of not much importance because it probably would not be funded and would go away of its own accord. They were partly right on the funding. By far the majority still were not aware that it existed.

The then Deputy U.S. Commissioner for Higher Education Joseph Cosand, however, recognized immediately the potential impact of the 1202 passage and the fact that it was not an accident nor was it an addendum to the community college and occupational education legislation. He recognized that in a highly significant way Congress was redrawing the map of what had traditionally been considered higher education, that this had a context in what the states had been doing in statewide planning and that it drew together the range of what from then on would be called postsecondary education -- public, private and proprietary, including everything from postsecondary vocational education to graduate and continuing education in the new community of postsecondary education.

Dr. Cosand also recognized that what Congress through the Conference Committee in fact had said was while comprehensive planning for postsecondary education is a state responsibility, the states themselves must recognize that it is no longer practical to plan for segments of postsecondary education alone or in abstraction and that such planning must be integrated into comprehensive planning for postsecondary education as a whole.

The Act specifically provided in Section 1202(a) that: "Any State which desires to receive assistance under Section 1203 or Title X shall establish a State Commission or designate an existing agency or State Commission (to be known as the State Commission), which is broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education in the State including community colleges...,junior colleges, postsecondary vocational schools, area vocational schools, technical institutes, four-year institutions of higher education and branches thereof." In Section 1203(a), entitled "Comprehensive Statewide Planning," the Act went on to provide that "the Commissioner is authorized to make grants to any State Commission established pursuant to Section 1202(a) to enable it to expand the scope of the studies and planning required in Title X through comprehensive inventories of, and studies with respect to, all public and private postsecondary educational resources in the State, including planning necessary for such resources to be better coordinated, improved, expanded, or altered so that all persons within the State who desire, and who can benefit from, postsecondary education may have an opportunity to do so."

The Act for the first time recognized the basic role of the states and state higher education agencies in comprehensive planning for higher and postsecondary education, but it in effect encouraged the states to increase the scope of such planning to the full range of postsecondary education. It quite specifically related community college and occupational education to comprehensive statewide planning through Title X. In light of the potential impact upon the states, the institutions and the community of postsecondary education, Dr. Cosand did something unprecedented in the history of the U.S. Office of Education. He called together representatives of all the segments of postsecondary education -- institutional presidents, state coordinators, community college representatives, vocational educators, representatives of proprietary education, plus state legislators and chief state school officers, all of whom would or might be affected by the legislation -- to discuss the issues involved prior to any attempt to develop guidelines.

The Education Commission of the States at its annual meeting in Los Angeles in May 1972, while final action on the Amendments was still pending, had in resolution noted the potential impact the state postsecondary commission legislation might have upon the states, and called for "a continuing effort to monitor and evaluate these provisions to determine their impact on the present statewide organization of postsecondary education in the various states." (See Appendix D-1, Chap. I, page 173.)

Even though guidelines were never released and no funding was provided until two years later, and the funding then was and is still minimal, 17 states took action to create or designate state postsecondary education commissions

soon after the Act was passed. On March 1, 1974, the U.S. Commissioner of Education finally invited the governors to designate or establish commissions. The response of the states, in spite of no funding for Title X and minimum funding for Section 1203 (amounting to approximately $26,000 per state), was overwhelming. Currently 46 states, Puerto Rico, the Virgin Islands, Guam, American Samoa and the District of Columbia have designated existing, augmented or newly established 1202 commissions. These commissions are currently (March 31, 1975) less than a year from the date (April 25, 1974) on which the states were asked to respond. In light of the funding situation and the Administration's reluctance, even opposition to their development and funding, plus the lack of any serious attempt to fund or activate Title X, the response of the states is remarkable and can hardly be accounted for on the basis of expectation of federal largess.

The development of the state commissions has not been without its problems within the states as well as nationally. Some of the early expectations that the commissions would lead to overcoming intersegmental rivalry and problems of turfdom within the postsecondary education community, including a closer repreachment between other segments of postsecondary education and state vocational education agencies, have not as yet been fully realized although progress in this direction has taken place. Since the commissions are less than a year old, any detailed assessment of progress is premature. And yet that the establishment of commissions has had a major impact which is likely to continue whether or not supporting federal legislation is continued would seem evident.

As we face reconsideration and possible extension of the Education Amendments of 1972 and reconsideration and new legislation in connection with the Vocational Education Act of 1963, as amended in 1968, it is important to look at the legislative history, implementation and current status of Sections 1202 and 1203 including the current impact of establishing state postsecondary commissions. It is to such review and assessment that this report is directed. The first section is devoted to an analysis of the legisive history and implementation of Section 1202 up to the point at which the states responded to the invitation of the U.S. Commissioner of Education to designate or establish commissions. The second section deals with response of the states, the establishment of commissions, their structures and their proposals for planning as reported to the U.S. Office of Education. Special notation is included in relation to the involvement of the commissions with vocational education and manpower planning. The third section is concerned with some of the impact, continuity and problems related both to the legislation and to the establishment of state commissions.

I. Congressional Intent and U.S. Office of Education Implementation of Section 1202 and Related Provisions of the Higher Education Act of 1965, as Amended.

A. INTRODUCTION

This chapter contains an analysis of Congressional intent and U.S. Office of Education implementation of Section 1202, the "state postsecondary education commissions," of the Higher Education Act of 1965, as amended by the Education Amendments of 1972 (P.L. 92-318). The analysis has been organized chronologically and focuses on precedents for and origin of Section 1202 and certain related provisions concerning state structure, state planning and interrelationships among agencies or between institutions and agencies. Various substantive objectives related to improvement and expansion of community colleges or occupational education, except as these objectives have a direct bearing on Congressional intent with respect to the 1202 commissions or the structure of federal administration of occupational education and community college programs, are not considered.

The provisions encompassed by "Section 1202 and related provisions" include: Section 1202, state postsecondary education commissions; Section 1203, comprehensive statewide planning; Title XA, establishment and expansion of community colleges, Subpart 1 - statewide plans; and Title XB, occupational education programs (especially Sections 1055 through 1060). The full text of these provisions and other federal laws related to 1202 commissions is shown in Appendix I, Chapter I, page 135.

The analysis is based primarily on the legislative history of related laws, bills, hearing records, floor debates and various communications,

issue papers and regulations emanating from implementation. In a few instances references are made to unofficial communications or papers when these appear in the public record. The chapter is divided into two parts; one analyzing the legislative process up to enactment of the Education Amendments of 1972 and the second analyzing implementation by the U.S. Office of Education through 1974.

B. LEGISLATIVE PROCESS TO ENACTMENT

One of the principal reasons for the controversy regarding Congressional intent with respect to the 1202 commissions is that the record gives relatively little guidance for interpretation of the actual language of the law. This part of the report attempts to clarify intent through an examination of what occurred during each step in the process to enactment. However, because of the relatively meager official record, Congressional intent on several points may still remain unclear.

Although the Education Amendments of 1972 (P.L. 92-318) are basically the outgrowth of a long evolution of federal policy on higher education dating back to the first Land Grant College Act of 1862, Congressional action directly related to the 1202 commissions has occurred since the National Defense Education Act of 1958 and most especially since the Higher Education Act of 1965. The Higher Education Act was enacted with three-year authorizations for most programs. Through the Higher Education Amendments of 1968, the Act was extended with only a few changes for another three fiscal years, or until 1971. Recognizing that major revisions would be required by mid-1971 (an extension continued the Act until June 30, 1972), Congress began deliberations on possible amendments early in the 91st

Congress (1969-1970). A number of bills were introduced during its first session which would eventually serve as the basis for some of the major changes enacted by the 1972 Amendments. Extensive hearings on the proposed legislation were conducted in both houses in the sessions of that Congress.

In the first session of the 92nd Congress (1971), the process was continued with the introduction of new bills amending and extending the Higher Education Act (some the same as slightly modified from those introduced in the previous Congress), and hearings were again conducted in both houses but this time with the full expectation that amendments would be reported for action. The Senate Committee on Labor and Public Welfare reported S. 659, the Education Amendments of 1971, on August 3, 1971, which was passed by the Senate on August 6. The House Committee on Education and Labor reported H.R. 7248, the Higher Education Amendments of 1971, on October 6, 1971. These amendments were passed by the House on November 4.

The conference committee to resolve the differences between the two Amendments did not begin deliberations until March 15, 1972. In the period between that date and passage of the House bill in the previous November, both houses passed further amendments, most of which related to antisegregation busing. The conferees met for 21 days between March 15 through May 17, reaching final agreement early on May 18 after an all-night meeting. The conference committee's report was accepted on May 23 by the Senate and on June 8 by the House. The President signed the Education Amendments of 1972 into law on June 23, 1972.

The process leading to passage of the 1972 Amendments breaks down into four stages: (1) the period prior to the 91st Congress (prior to 1969),

(2) the 91st Congress (1969-1971), (3) the first session of the 92nd Congress (1971), and (4) the conference committee during the second session of the 92nd Congress (1972). In analyzing each of these stages, an effort was made to identify Congressional intent as to what would eventually become Section 1202. Special attention was given to the provisions of previous, existing or proposed laws from which Section 1202 and related provisions appear to have been developed as follows:

1. Federal requirements, especially in higher education laws, that a state designate or establish a state commission or agency (with defined structure, composition or authority) as a condition for participation in a federal program;
2. Requirements, often related to the above, for state plans;
3. Requirements or implied encouragement, for comprehensive planning for higher education or postsecondary education at the state level, beyond planning for specific areas such as facilities, vocational education or community colleges;
4. Emphasis on the desirability of state-level interagency communication, coordination or consolidation, especially for state agencies established in response to federal requirements; and
5. Emphasis on "postsecondary education" as the context within which policies related to higher education, postsecondary vocational or occupational education or any other post-high school program or institution should be considered.[1]

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[1] "Postsecondary education" as used here includes proprietary, private nonprofit and public institutions -- noncollegiate and collegiate; vocational, technical, occupational and career education programs at a post-high school level; and programs for persons of all ages at the post-high school level whether full-time or part-time.

1. *PRIOR TO THE 91ST CONGRESS (PRIOR TO 1969)*

Not until 1963 did federal laws contain provisions requiring state agencies or state plans for higher education as a condition for participation in a federal program. In some programs, such as the Morrill Land-Grant Acts, funds were disbursed through the states to institutions. However, most federal funds for higher education were disbursed directly to institutions or students in accordance with the law and administered by the federal government without involvement of or control by the states.[2]

This relative lack of state involvement in the administration of federal programs in higher education was in marked contrast to the pattern in elementary and secondary education, vocational education and, in fact, most other federal domestic programs. For example, since the Smith-Hughes Act of 1917, federal laws related to vocational education have required that the states designate a state board as the "sole agency for administration" of the authorized program. The Smith-Hughes Act, still in effect, contains only the designation of a state board, without requirements regarding the composition of the membership.[3] The Vocational Education Act of 1963 (P.L. 88-210), however, added an explicit requirement that:

> "...where the State board (designated pursuant to the Smith-Hughes Act) does not include as members persons

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[2]Lanier Cox and Lester E. Harrell, Impact of Federal Programs of Statewide Planning and Coordination (Atlanta, Georgia: Southern Regional Education Board, 1969), pp. 4-5.

[3]Vocational Education Act of 1917 (Smith-Hughes), P.L. 346, 64th Congress, Section 5 (20USC16).

> familiar with vocational education needs of management and labor in the State and one or more persons representative of junior colleges, technical institutes or other institutions of higher education which provide programs of technical or vocational training, the plan must provide for the designation or creation of a State advisory council which includes members with these qualifications."[4]

The Vocational Education Amendments of 1968 (P.L. 90-576) amended the 1963 Act to remove the requirements regarding the composition of the board itself and added a specific requirement for a state advisory council.[5] This change, while reflecting a continuing concern for participation of certain kinds of persons, suggests a recognition that it may not be practical or desirable to require this participation through direct membership on a state board, but that an advisory council may be a means to achieve such participation.

The National Defense Education Act of 1958 (P.L. 85-864) provides a clear picture of the difference in approach in federal-state relations between elementary-secondary education on one hand and higher education on the other. Each of the titles or parts of the Act which primarily concerned elementary-secondary education was to be administered through state education agencies in accordance with provisions such as in Title III, Part

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[4]U.S. Code Congressional and Administrative News, 88th Congress, First Session, 1963, H.R. 4955, Sec. 5 (Minneapolis, Mn.: West Publishing Co.), pp. 1293-1315.

[5]Vocational Education Act of 1963, as amended, Section 104(b)(2 USC 1244).

> "Sec. 303.(a) Any State which desires to receive payments under this part shall submit to the Commissioner, through its State education agency, a State plan which meets the requirements of section 1004.(a) and..."

In contrast, provisions in the Act relating to higher education contained no requirements for state or state agency involvement.

The House bill leading to the National Defense Education Act contained a provision creating a state scholarship program, including a requirement for a state commission and submission of a state plan. This provision was dropped, however, by the Conference Committee.

The Higher Education Facilities Act of 1963 (P.L. 88-204) is the first clear instance of a federal higher education law that explicitly involved the states in the administration of a federal program, as indicated by the following provision:[6]

> "Sec. 105.(a) Any State desiring to participate in the grant program under this title shall designate for that purpose an existing State agency which is broadly representative of the public and of institutions of higher education (including junior colleges and technical institutes) in the State, or, if no such State agency exists, shall establish such a State agency, and submit to the Commissioner through the agency so designated or established (in this title referred to as the "State Commission") a State plan for such participation...."

As will be discussed shortly, the original version of Section 1202, as proposed in S. 659 sponsored by Senator Claiborne Pell (D-R.I.) in the first session of the 92nd Congress (1971), required consolidation of the state facilities commission with what was to be a single state higher education commission. Since the language related to composition

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[6] Cox and Harrell, Impact of Federal Programs of Statewide Planning and Coordination, pp. 4-5.

of the state commission for the Higher Education Facilities Act was to be retained for the purposes of the new commissions, the interpretation of this language over the years since 1963 is of importance in determining Congressional intent with respect to Section 1202.

When the Higher Education Facilities Act was originally implemented, 27 of the 50 state commissions created were new bodies formed to meet the representation requirements of Section 105. In those states where existing agencies were designated, advisory committees were used in most cases to achieve the required representation in lieu of making changes in the composition of the agency itself to meet the requirement.[7] Although the Office of General Counsel apparently advised the U.S. Office of Education (USOE) that use of advisory committees to meet the representation requirements would not be consistent with Congressional intent,[8] this opinion did not prevail and use of such advisory committees was accepted by USOE. A review of the legislative history of the Higher Education Facilities Act reveals no elaboration whatever of the representation requirements of Section 105.

In 1966, the Higher Education Facilities Act was amended to add an authority related to comprehensive planning. Section 105(b) authorized the commissioner to make grants to state commissions,"... for ... comprehensive planning to determine the construction needs of institutions (and particularly combinations and regional groupings of institutions of higher education...." Although the amendment focused on determination of construction needs, it was interpreted broadly by USOE of Education as an authorization for grants for a wide range of comprehensive planning

[7] Cox and Harrell, Impact of Federal Programs of Statewide Planning and Coordination, pp. 25-29.

[8] Memo from the Office of General Counsel, Education Division, Department of Health, Education and Welfare, to Dr. Joseph Cosand, Deputy U.S. Commissioner of Higher Education, on "Questions regarding state commissions to be established or designated under new Section 1202, Higher Education Act," July 5, 1972.

activities and thus became an important means whereby the federal government could stimulate and strengthen such planning among the states.

The Higher Education Act of 1965 followed the pattern established for higher education programs by the Higher Education facilities Act and authorized several programs which provided for involvement of states and state agencies. Briefly, these are as follows:

a. Title I, Community Service and Continuing Education (Sec. 105(a)), requires states to "designate or create a State agency or institution which has special qualifications with respect to solving community problems and which is broadly representative of institutions of higher education in the state which are competent to offer community service programs..."

b. Title II, Part A. College Library Resources (Sec. 208), requires institutions receiving grants to inform periodically the state agency (if any) concerned with the activities of all institutions of higher education in the state of their activities supported under the program.

c. Title IV, Part B. the Insured Loan Program, provides for state loan insurance programson the condition that the program is administered by a single state agency.

d. Title VI, Part A, Equipment for Improvement of Undergraduate Instruction, requires establishment or designation of a state commission the same as in Sec. 105 of the Higher Education Facilities Act; the 1966 Amendments (P.L. 89-752) placed the authority for payment of administrative costs of these state commissions under the facilities Act and all these commissions are the same as the facilities Act commissions.

The Higher Education Amendments of [illegible] (P.L. 90-575) did not change or add to the provisions just described for involvement of states or state agencies in administration of federal higher education programs.

In summary, several specific examples of the kinds of provisions included in Section 1202 can be identified in the laws enacted prior to the 91st Congress. Among these, the requirement for designation or establishment of state commissions and the authority for grants to such commissions for comprehensive planning as contained in Section 105(a) and (b) of the Higher Education Facilities Act are perhaps the most important with respect to interpretation of Section 1202. Despite apparent Congressional intent that advisory committees should not be used to meet the representation requirements of the Higher Education Facilities Act, the U.S. Office of Education apparently condoned the use of such committees in a number of states. It is also apparent that many states created new commissions to meet the representation requirements either because an appropriate state agency did not exist or because the states did not wish to change the composition of an existing board or commission to conform to the federal requirements.

Although the Higher Education Facilities Act and Higher Education Act increased the involvement of states in administration of federal programs, a significant proportion of federal assistance to higher education, including most student aid and categorical assistance, continued to flow directly to institutions. Therefore, in the aggregate, the distinctions between federal-state relations in higher education and in other levels of education continued.

2. *91ST CONGRESS (1969-1970)*

With only a few exceptions, the record of the 91st Congress on matters related to section 1202 was concerned with the areas which were to be encompassed by Title X, Community Colleges and Occupational Education Programs, of the Higher Education Act, as added by the 1972 Amendments.

Essentially four different bills were introduced in the House and Senate relating to community colleges, technical institutes or career education. With respect to designation of state agencies, both the proposed Comprehensive Community College Act (S. 3033 and H.R. 8200) and the Omnibus Postsecondary Education Act (H.R. 16098) contained the same language: the state application had to "provide that a State agency, which is representative of all agencies in such State which are concerned with postsecondary education, will be the sole agency for carrying out such purpose."

The Higher Education Bill of Rights (S. 1897 and H.R. 6535) contained a simple reference to "consultation with the appropriate State commissions for higher education" by the U.S. Commissioner of Education in making grants to certain institutions. The Administration's Higher Education Opportunity Act of 1970 (S. 3636 and H.R. 16621) required that the state applications "provide for the administration of the program by such agency or agencies as the Governor may designate."

The basic distinction among the bills concerning the scope of state planning was between emphasis on "comprehensive community colleges" as a unique and carefully defined institutional form (as in the Comprehensive Community College Act), and emphasis on a kind of postsecondary education program which could be offered by a number of different kinds of institutions (as in the Omnibus Postsecondary Education Act and the Higher Education Opportunity Act). Although these may appear to be technical differences, they reflect basic differences which had a strong bearing on the nature of the compromise by the 92nd Congress on 1202 commissions.

They reflect the efforts of comprehensive community colleges representatives to gain recognition in federal law for the increasingly significant and unique role of their institutions, and to achieve relative insulation from the influences of both traditional higher education and the state vocational education administrations. They also reflect the concern of vocational educators for a preservation of their role with respect to federal assistance for career, occupational and technical education.[9]

What is especially significant about these proposals in relationship to Section 1202 and to the history of federal-state relations prior to the 91st Congress is that, if enacted, they would have meant: (1) far greater involvement than before of states and state agencies in the administration and planning for federal higher education programs affecting almost all institutions; and (2) a broadening of state-level planning and administration from higher education to postsecondary education to encompass certain lower-division, one- and two-year post-high school vocational, technical, occupational or career-oriented programs. These were basic outcomes of the 1972 Amendments.

There were a few exceptions to the general emphasis of the 91st Congress on the community college and occupational education aspects of 1202 commissions. For example, three or four House and Senate subcommittee witnesses testified that segmental planning, or planning for community colleges or postsecondary occupational education, should be conducted in the context of comprehensive statewide planning involving all post-

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[9]U.S. Congress, House, Committee on Education and Labor, Special Subcommittee on Education, Hearings, Higher Education Amendments of 1969; and Senate, Committee on Labor and Public Welfare, Subcommittee on Education, Hearings, Higher Education Amendments of 1970; 91st Congress, Second Session.

secondary education. Other witnesses urged that federal law be written so as not to thwart, but to encourage the state-level relationship of segmental planning to comprehensive planning.[10]

However, the hearing record and the proposed amendments of the 91st Congress indicate that comparatively little attention was paid to federal-state relations and the role of states and state agencies in postsecondary education. Except for the proposals and testimony related to community colleges and career education, the issues which received the greatest attention focused on general institutional aid the proposed National Foundation for Higher Education and proposed changes in student-assistance programs, all of which involved a direct relationship between the federal government and institutions or students with little or no involvement at the state level.[11]

3. THE 92ND CONGRESS, FIRST SESSION (1971)

The process of Congressional action on amendments to the Higher Education Act, initiated in the 91st Congress, intensified in the 92nd Congress and resulted in bills being reported to and passed by both houses by the end of 1971.

a. Bills Introduced at the Beginning of the 92nd Congress

Several new bills, affecting what would become Section 1202, were introduced at the beginning of the new Congress, but did not include some of the proposals of the previous Congress. Neither the Administration's new

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[10] See footnote (9), page 12.

[11] An exception was a bill, S. 3917, to establish the State Higher Education Student Aid Act of 1970, which was eventually enacted as the State Student Incentive Grant Program as a part of the Education Amendments of 1972.

version of the Higher Education Opportunity Act (H.R. 5191 and S. 1123) nor the omnibus bill, the Higher Education Act of 1971 (H.R. 7248) included provisions related to career education, community colleges or technical institutes.

The Comprehensive Community College Act was reintroduced in both houses -- in the Senate as S. 545, and in the House as H.R. 5282, together with several identical bills. The state agency provisions of the bills were changed to make specific reference to the option available to the state to use the agency (if one existed in the state) "primarily responsible for community college education in the State" as the "sole agency." [12]

Two new bills with a direct bearing on 1202 commissions were introduced early in the year: the Education Amendments of 1971 (S. 659), and the Occupational Education Act of 1971 (H.R. 7429 and S. 1856). The Education Amendments, as originally introduced, included the proposed Section 1202, "State Higher Education Commissions," essentially in the form in which it appeared in the final version of S. 659 passed by the Senate later in the year.

As proposed Section 163 of the original S. 659 included:

(1) Requirements that each state desiring to participate in the following programs to designate or establish a state Commission:
-- Title VI, Higher Education Act (HEA), Undergraduate Instruc-

[12] U.S. Congress, Senate, 92nd Congress, First Session, S.545, Section 102.

tional Equipment;

-- Title VII, Part A, HEA, Grants for Construction of Undergraduate Academic Facilities (this is the same as Title I, Higher Education Facilities Act, which was transferred to the Higher Education Act by another amendment in S. 659); and

-- grants for comprehensive inventories, studies and planning authorized by the new Section 1202.

(2) Requirements that the state commission be "broadly representative" using the same language as had been used in Subsection 105(a) of the Higher Education Facilities Act (HEFA).

(3) Requirements of consolidation of the state commissions administering Title I, HEFA and Title VI, Part A, HEA (in all states these were the same state commission) with the new 1202 commissions prior to June 30, 1972; if a state failed to act on that consolidation by that date, the HEFA commission would become the commission for the purposes of section 1202.

(4) Continuance of the authority in Subsection 105(b) of HEFA for the U.S. Commissioner of Education to make payments for administration of Titles VI and VII and for conducting comprehensive planning to determine construction needs of institutions of higher education.

(5) Addition of two new authorities for the commissioner to make grants to 1202 commissions:

-- "...to enable them to make comprehensive inventories of, and studies with respect to, the postsecondary educational resources in the States and means by which such resources may be better planned and coordinated, improved, expanded,

or altered in order to insure that all persons within the the States who desire, and who can benefit from, post-secondary education may have an opportunity to do so;" and

-- "...to enable them to conduct comprehensive planning for statewide postsecondary education systems which will achieve the purpose set forth in paragraph (1). Such planning shall include a consideration of a system of comprehensive public community colleges as a means of achieving such purpose."

When first introduced, S. 659 did not include the provisions of the Comprehensive Community College Act (S. 545). These provisions were added when the bill was reported from the Senate Subcommittee on Education and the community college state agency and state plan provisions were linked with the 1202 commissions at that point.

The Occupational Education Act of 1971 (H.R. 7429 and S. 1856) differed from the 91st Congress' bills, although it stressed the point of view of those who had urged federal support for occupational or career education programs in different types of institutions. It also opposed the emphasis of the Comprehensive Community College Act that community colleges are a unique form of institution. In general terms, the bill:

(1) Required that any state desiring to participate in the program designate or establish an agency to have sole responsibility for fiscal management and administration of the program;

(2) Required the state agency to submit to the U.S. commissioner a plan of administration, providing for effective participation in planning, design, administration and evaluation of the program of a long list of different representation;

(3) Required use of the state advisory council on vocational education for the same purposes under this Act as the council performs with respect to the Vocational Education Act of 1963;

(4) Authorized planning grants for occupational education programs, if planning activities were carried out with active participation of different kinds of agencies, institutions, interests and individuals;

(5) Authorized grants for occupational education programs, if planning and other requirements were met; and

(6) Included an emphasis on development of a long-range strategy for merging occupational education into elementary-secondary education and programs to carry out that strategy, as well as the emphasis on postsecondary occupational education.

In the House, the Occupational Education Act of 1971 (H.R. 7429) was referred to the General Education Subcommittee with responsibility for elementary-secondary and vocational education laws, and not to the Special Subcommittee on Education where the higher education amendments were being considered.

b. Testimony Before House and Senate Subcommittees, and Recommendations of National Groups

Testimony in the 92nd Congress with respect to federal-state relations, state agencies or state planning was most often presented in the context of either support for or opposition to the proposed Comprehensive Community College Act.[13] But even this testimony was not as extensive as

[13] U.S. Congress, House, Committee on Education and Labor, Special Subcommittee on Education, Hearings, Higher Education Amendments of 1971; and Senate Committee on Labor and Public Welfare, Subcommittee on Education, Hearings, Education Amendments of 1971; 92nd Congress, First Session.

in the previous Congress. Although the Comprehensive Community College bill was introduced in the House, it was not listed as one of the bills on which testimony was being taken before the House Special Subcommittee on Education in relation to the Higher Education Amendments. Also, as the occupational education bill had been referred to the General Education Subcommittee, state agency or state planning provisions of that bill were not subject to the Special Subcommittee hearings.

Representatives of the State Higher Education Executive Officers Association (SHEEO) apparently were the only witnesses to appear before either the House or Senate subcommittees to testify explicitly for Section 1202. In their testimony, the SHEEO representatives made the following points:[14]

(1) Most states had established statewide agencies in recent years which were responsible for governing, planning and coordination of higher education;

(2) There was a need for more explicit federal recognition of the role of statewide higher education planning agencies, and for a closer federal-state partnership in realizing institutional, state and federal postsecondary education objectives; and

(3) The need for statewide planning for postsecondary education was particularly acute because of a number of problems listed in the testimony;

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[14] See footnote (13), page 17.

and recommended that:

(1) A substantial and continuing matching, but not necessarily equal, fund commitment be made by the federal government to each state which has a legally authorized comprehensive statewide planning process for postsecondary education, including both public and nonpublic institutions;

(2) Federal funds for such planning be allocated to the statewide agency legally responsible for general comprehensive planning for postsecondary education in each state;

(3) Federal funds allocated for state planning and administration of various postsecondary categorical grant programs be administered by the designated planning agency;

(4) Provisions be made so that a portion of the federal funds granted to the comprehensive planning agencies may be allocated to any appropriate agency or institution for the purpose of aiding in the formulation and implementation of a statewide plan;

(5) Federal funds for developing institutions (Title III, HEA) be awarded through the appropriate state higher education planning agencies in accordance with state plans; and

(6) Assurances be written into the Act that planning funds (under the Facilities Act) shall go to the state legislatively designated agencies for statewide planning where such agencies exist.

When the hearing record is examined as a whole, however, by far the largest proportion of the witnesses, including those representing the

principal national higher education associations,[15] made no mention of the roles of states or state agencies or the need for or desirability of federal support for statewide comprehensive planning for postsecondary education.

The Carnegie Commission on Higher Education issued two reports in 1970 and 1971 that had an indirect bearing on Section 1202. In Open Door Colleges: Policies for Community Colleges, the commission urged that "through the coordinated efforts of Federal, State, and local governments, the goal of providing a community college within commuting distance of every potential student be attained by 1980...."[16] The commission also recommended expanded federal support to stimulate development of community colleges, including support for state plans. The report constituted a strong endorsement of the Comprehensive Community College Act, particularly support for the concept of the comprehensive institution as opposed to the two-year academic institutions or specialized institutions.[17]

In The Capitol and the Campus: State Responsibility for Postsecondary Education, the Carnegie Commission made detailed recommendations regarding the nature and structure for statewide coordination of postsecondary education and emphasized the importance of statewide planning "taking into account the present and potential contributions to state needs of all types of postsecondary institutions including universities, colleges,

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[15] See footnote (13), page 17.

[16] Carnegie Commission on Higher Education, The Open-Door Colleges: Policies for Community Colleges (New York, N.Y.: McGraw-Hill Book Co., June 1970), p. 39.

[17] Carnegie Commission, The Open-Door Colleges, pp. 26-27.

private trade and technical schools, area vocational schools, industry, and unions and other agencies providing various forms of postsecondary education."[18] While Capitol and the Campus focused on the states' responsibilities, it did recommend that each state coordinating agency be given responsibility for allocation of federal funds under state-administered programs (presumably meaning funds such as the Higher Education Facilities Act).[19]

Two reports of task forces of the Education Commission of the States (ECS) were made public in April 1971. The report of the Task Force on Community and Junior Colleges, Community and Junior Colleges in Perspective, stated the following:[20]

> "There is a need for more adequate statewide planning and coordination of community and junior colleges, of these colleges as an integral part of the system of higher education, and of these colleges as they relate to all forms and types of post-high school education in the state. A special need at the present time exists in the area of occupational education where parallel systems often exist, offering similar and even identical programs in the same locality. Because each state's higher education system is unique, there is no single model appropriate for all states. However, in each state there should be a coordinating agency with statutory authority for overall coordination of all postsecondary education and for carrying out the function of master planning all types of higher education in the state."

Specifically with respect to federal assistance, the report emphasized that:

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18 Carnegie Commission on Higher Education, The Capitol and the Campus: State Responsibilities for Postsecondary Education (New York, N.Y.: McGraw-Hill Book Co., April 1971), p. 34.

19 Carnegie Commission, The Capitol and the Campus, p. 37.

20 Task Force on Community and Junior Colleges, "Community and Junior Colleges in Perspective," Higher Education in the States, Vol. 2, No. 3 (Denver, Colo.: Education Commission of the States, April 1971), pp. 34-35.

> "Any federal legislation for support of higher education or occupational education should specifically recognize the role of community colleges in the total system of postsecondary education."

In setting forth principles for federal action, the report recommended that:

> "The legislation should require a comprehensive state plan for community colleges that is consistent with the state plan for all postsecondary education. The chairman of the entity developing the state plan for community colleges should be the executive officer of the state agency responsible for community colleges, or a chairman should be appointed by the governor if no such position exists."

The ECS Task Force on Statewide Comprehensive Planning for Postsecondary Education also issued its report and recommendations in April 1971.[21] The recommendations on federal responsibility in that report were essentially the same as those presented to the subcommittees of both houses in testimony by the representatives of the State Higher Education Executive Officers.

A November 1969 report of the National Advisory Council on Vocational Education recommended that federal support for community colleges and other two-year postsecondary education institutions should be focused on vocational and technical programs as career preparation.[22] Another report of the council, issued in January 1971, did not single out postsecondary education, but emphasized that the state plan required

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21Task Force on Statewide Comprehensive Planning for Postsecondary Education, "Comprehensive Planning for Higher Education," Higher Education in the States, Vol. 2, No. 3 (Denver, Colo.: Education Commission of the States, April 1971), pp. 37-41.

22National Advisory Council on Vocational Education, "2nd Annual Report," November 1969, in U.S. Congress, House, Committee on Education and Labor, Reports on the Implementation of the Vocational Education Amendments of 1968, 92nd Congress, First Session, November 1971, pp. 5-8.

under the Vocational Education Act of 1963, as amended, was not a "viable planning instrument," and recommended a new funding and planning technique and national support for effective planning.[23]

c. *Comparison of House and Senate Amendments*

Appendix B-1, page 149, presents a side-by-side comparison of the state commission and state planning provisions in the House and Senate bills as reported by their committees and passed by the respective houses. How these compare with the Conference Agreement, also shown on the chart, is discussed in the next section. Some understanding of the intent of Congress with respect to 1202 commissions can be developed from a review of provisions of the House and Senate bills from which the compromise language evolved.

(1) Senate Amendments (S. 659)

S. 659 retained the proposed Section 1202. Perhaps the most important change made by the committee was the addition of the Comprehensive Community College bill (S. 545) as Section 183 of S. 659. Thus, a link was established between the 1202 commissions and the statewide plans for community colleges. The state commission was to establish a committee (with membership as defined in the law) which, in turn, would be required to develop and adopt a statewide plan for the expansion and improvement of postsecondary education programs in community colleges. The plan would then be submitted through the 1202 commission (designated or established pursuant to the law) to the U.S. Commissioner of Education.

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[23]National Advisory Council on Vocational Education, "4th Annual Report," January 1971)(see footnote 22 for further reference), pp.14-18.

Through this linkage, the recommendations of the ECS task forces and others that segmental planning should be related to comprehensive planning for all of postsecondary education were acknowledged. At the same time, the use of the committee with specified membership to develop and adopt the state plan assured a relative degree of independence of the community college effort from the influence of other postsecondary education sectors. Because of its importance in defining Congressional intent with respect to the 1202 commissions, the text of the Senate report on this provision is reproduced in its entirity in Appendix C-1, page 166. The following are some of the key points from that report:

-- The same language as in the original Section 105(a) of the Higher Education Facilities Act (HEFA) of 1963 with respect to "broadly representative" was to be used without change for the purpose of the new state commissions. (This implies that the interpretation of the HEFA language would most likely stand for the purpose of the new commissions.)

-- The state commission was to be "...the same Commission or Board of Higher Education which is in charge of planning and coordinating higher education for State Government...."

-- The report shows a recognition that states could employ a variety of means to comply with the "representative" requirements of Section 1202, including use of advisory councils in lieu of changing the composition of the membership of an existing board or commission.

-- The report anticipates that Section 1202 might require changes in the laws of some states. The committee did not expect that the flexibility for state-by-state implementation would mean so much flexibility that the intent that there be a single state commission in each state could be ignored.

-- The report shows that the committee expected the U.S. Commissioner of Education to play a role with respect to 1202 commissions, as emphasized by the statement that "...the Commissioner will exercise due discretion in recognizing the designations or creations of the States...." This role was expected even though the language of the proposed Section 1202(a)(1) did not explicitly call for such a role.

In summary, S. 659, the Senate Amendments and report did the following with respect to 1202 state commissions:

(a) Gave clear recognition in federal law to the role of states and state higher education agencies;

(b) Required states to consolidate state administration of Titles VI and VII (Undergraduate Instructional Equipment and Undergraduate Academic Facilities) of HEA with the 1202 commissions;

(c) Authorized the commissioner to make payments to the 1202 commissions for administration of Titles VI and VII and to conduct comprehensive planning to determine higher education construction needs;

(d) Authorized the commissioner to make grants to 1202 commissions for comprehensive inventories, studies and planning;

(e) Made clear the intent that 1202 commissions were to be the state higher education agencies "in charge of planning and coordinating higher education for State Government;"

(f) Allowed flexibility for states regarding the means to be used in meeting the "representative" requirements, including use of advisory councils, but implied that some states would have

to change their laws to comply with the requirement that to participate in certain federal programs, the state would have to have a single state commission meeting the "representative" provision of Section 1202;

(g) Made clear that the commissioner would play a discretionary role with respect to recognizing state designations of 1202 commissions; and

(h) Linked segmental planning for community colleges with the 1202 commissions, while providing relative independence through specified membership for the committee established by the commission to develop and adopt the state community college plan.

The Occupational Education Act proposal, although sponsored in the Senate, was not included in S. 659, except for certain provisions related to Federal administration of other programs and not related to Section 1202.

(2) House Amendments (H.R. 7248)

The House Committee on Education and Labor reported H.R. 7248, the Higher Education Act of 1971, on October 8, 1971 and it passed November 4. As reported from the Special Subcommittee on Education, H.R. 7248 included the proposed Occupational Education Act. As mentioned earlier, this proposal, H.R. 7429, had been referred to the House General Education Subcommittee and hearings were held there and apart from those on the higher education amendments before the special subcommittee.

The subcommittee bill did not include provisions comparable to the proposed Section 1202 or Title X, Improvement of Community Colleges, in the Senate Amendments. On September 29, 1971, in the open mark-up of H.R. 7248

before the full Committee on Education and Labor, an amendment was offered and adopted to add a title called "State Postsecondary Education Commissions" to the bill.[24]

In summary, the new title did the following:

(a) Authorized any state to designate or create a state agency or commission, the word "may" being used in lieu of the "shall" used in the Senate Amendment;

(b) Set forth "representative" requirements for the state agency or commission using language which differed from that used in the Senate Amendment and Section 105(a) of the Facilities Act; the language required that the state agency or commission be "equitably" as well as "broadly" representative, added "proprietary" to the list of institutions of which the state agency or commission should be representative and added other details regarding institutional types;

(c) Authorized the commissioner to make grants to the state agency or commission for comprehensive inventories, studies and planning;

(d) Emphasized a system of "community service institutions" rather than "comprehensive public community colleges" as in the Senate Amendment;

(e) Authorized the commissioner to make technical assistance available to the state agencies or commissions, a provision not in the Senate Amendment;

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[24] See Appendix B-1, page 149.

(f) Authorized each state agency or commission to establish a committee (using the word "may" establish instead of "shall" as in the Senate Amendment), with defined membership far broader than in the Senate Amendment, to develop and adopt a statewide plan for the expansion and improvement of "community postsecondary education programs" rather than "postsecondary education in community colleges" as in the Senate Amendment;[25]

In contrast to the proposed Section 1202 in the Senate Amendment, the House provision did not require, or even suggest, consolidation of the Higher Education Facilities Commission with the new state commission. It also emphasized the optional nature of the provisions through the use of the word "may" in most instances where the Senate Amendment used "shall." In the House Amendment, only if a state wished to receive grants for comprehensive inventories, studies or planning was designation or creation of a state agency or commission required.

The House Amendment did not contain an authorization for program grants comparable to the program part of the proposed Title X in the Senate Amendment. While the House Amendment included a provision roughly comparable to the Senate provision for a committee to develop and adopt a state community college plan, the House amendment deliberately broadened the language to deemphasize community colleges and to stress

[25]In the open mark-up session on H.R. 7248 before the Committee on Education and Labor, an amendment was offered and accepted to this provision to add to the committee membership representatives of four-year institutions of higher education and their branches, vocational schools, comprehensive secondary schools, adult education agencies, state manpower agencies and labor, industry and agriculture. This language was similar to that used in the Occupational Education Act.

a kind of program which might be offered in a variety of institutional types.

The full text of Title XVII on "State Planning" in the House committee report on H.R. 7248 is shown in Appendix C-2, page 167 . It stresses the following:

> "The Committee was impressed by the desirability of state planning in the areas of postsecondary education. The needs of society are too great and its resources too limited to allow duplication, omissions and waste.
>
> The primary responsibility for effective planning for postsecondary education, public and private, rests with the states. To be effective such planning must embrace the full spectrum of postsecondary public, private, and proprietary educational activities...."

It is significant that much of the language in the House report on state commissions is taken directly from the report of the ECS Task Force on Statewide Comprehensive Planning for Postsecondary Education.

While not explicitly stated in the report, it is apparent that the House expected that the state agencies to be designated under the new title would be the existing state higher education agencies, provided such agencies met the "representative" requirements. Although neither the law nor the report requires or suggests that such agencies be designated, the choice was clearly left to the states. Both the proposed Occupational Education Act and the provision for state commissions were included in the House bill (in fact in contiguous titles), but no mention was made in the report of how these two provisions, especially the state agency and state planning provisions, might relate. For the purposes of federal law, the only authorized function of the state postsecondary education commissions under the House bill would have been planning. This, of

course, would not have barred states from designating existing agencies with other functions under state law, or from assigning other functions to such commissions under state law.

In the proposed Occupational Education Act, the designated or newly established state agency was to carry out both administrative and planning functions for the purposes of federal law. However, the House report stated:

> "The Committee has not specified in the bill which State agency will administer this new program; rather it is a matter left to State law. The Committee believes that this provision is necessary because of the wide variety of agencies which administer post-secondary occupational programs and other affected programs in the States. It is anticipated, of course, that in many States it will be either the State Board of Vocational Education or the State agency responsible for the junior and community colleges which will be designated, but in some States it is possible that neither one of those agencies will receive this responsibility pursuant to State law. Possibly a number of States may want to create a new State agency having responsibility for this program as well as others."[26]

It should be recognized that the comprehensive planning required under the Occupational Education Act in H.R. 7248 would have related not only to "initiation, expansion, and improvement of occupational education in the State's postsecondary institutions," but also to "introduction of occupational preparation and education in the state's elementary and secondary schools." No amendments to the state commission title

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[26] 92nd Congress, House of Representatives, Report No. 92-554, Higher Education Act of 1971, October 1971, p. 79.

and state agency and planning provisions of the Occupational Education title were adopted when the bill was considered and passed by the House.[27]

(3) Summary of Major Differences Between House and Senate Amendments

The following summarizes the major differences between the Congressional Amendments of importance to 1202 commissions:

Senate Amendment	House Amendment
Used wording on "representative" character of state commissions the same as that in Section 105(a) of Higher Education Facilities Act (HEFA) (Section 1202(a)(1)).	Used more detailed wording than HEFA; state agencies or commissions to be "equitably" as well as "broadly" representative; added proprietary institutions and listed additional institutional types (Section 1501(a)).
Required consolidation of the HEFA state commissions with the new state commissions (Section 1202(a) and (c)).	Contained no reference to consolidation.
Authorized the commissioner to make grants to state commissions for comprehensive planning, inventories and studies (Section 1202 (b)).	Same as Senate Amendment, but reference to "community service institutions" in lieu of "public community colleges" (Section 1501 (b)).
Required state commissions to establish committees, with specified membership, to develop and adopt statewide community college plans (Section 1001(a) and (b)).	Gave states the option to establish committees, with specified membership, broader than Senate, to develop and adopt plan for community postsecondary programs (Section 1502).
Required modification of state plans for federally assisted vocational education, community services or academic facilities of each state by June 30, 1976, in accordance with community college plan (Section 1001(d)).	Plan by committee to include recommendations for modifications of state plans for federally assisted vocational education, community services and academic facilities as they may affect postsecondary education institutions (Section 1502(b)).

[27] Because of later amendments to H.R. 7248, the titles of the bill were changed from those in the original committee bill and as referred to in the Committee report. The Conference Committee prints show the Occupational Education Act as Title XIV, changed from Title XVI, and the state commission title as Title XV, changed from Title XVII.

Senate Amendment (Cont.)	House Amendment (Cont.)
Authorized program grants for establishment and expansion of community colleges (Title X, Part B).	Did not authorize program.
No comparable provision.	Included provisions for state administration, planning and programs for occupational education (Title XIV).
Committee report stated intent that "the State Commission for each State be the same Commission or Board of Higher Education which is in charge of planning and coordinating higher education for the State Government (Senate Report 92-346, p. 63).	Committee report implied, but did not state, that state agencies or commissions would be state higher education agencies, provided such agencies met "representative" requirements (House Report 92-554, pp. 82-84).
Committee report stated that use of advisory councils to meet "representative" requirements would be acceptable "if impediments exist" to making membership of state commission "representative" (Senate Report, pp. 63-64).	Committee report was silent on use of advisory councils or other means to meet "representative" requirements.
Committee report suggested role for U.S. Commissioner of Education to use discretion in recognizing state commission designations (Senate Report, p. 64).	No mention of role of commissioner in recognizing designations; role may be implied by commissioner's authority to make grants to state agencies or commissions meeting requirements of Section 1501(a).

4. *CONFERENCE AGREEMENT*

The House-Senate Conference Committee on the Education Amendments of 1972 began its deliberations on March 15, 1972. Of the 239 substantive differences identified between the bills, only five related directly to 1202 commissions: [28]

[28] U.S. Congress, House/Senate Conference Committee on the Higher Education Amendments of 1972, Substantive Differences in the House and Senate Passed Bills, Conference Committee Print No. 2, March 13, 1972.

Item Number	Substantive Difference
158	"Amendments to Title XII of the HEA relati g to State higher education commissions. The House bill extends the State higher educational facility commissions established by Section 105 of the HEFA. The Senate bill establishes a general State higher education commission's authority by amending Title XII of the HEA...." (the text continues with an explanation of the proposed Section 1202 in the Senate bill; no indication of a comparable House provision is given).
168	"Amendments providing for community colleg planning. The Senate bill authorizes appropriations ... for grants to States to enable committees established by the State Commissions described in Item 158 ... to conduct a survey of postsecondary education programs throughout the States and develop a statewide plan for the expansion and improvement of postsecondary education programs in community colleges.... See Item 182 for discussion of the comparable House provision." (Should have referred to Item 181.)
169	"Amendments to establish a program of grants for community colleges. The Senate bill authorizes a program of grants to assist States and localities in establishing and expanding community college systems...." The House bill contains no comparable provisions.
179	"Amendments authorizing a new program of grants on occupational education. The House amendment authorizes a new program of grants to strengthen occupational preparation, counseling, and placement in elementary and secondary schools, and to improve postsecondary occupational education...." (No indication given whether Senate amendment included comparable provisions.)
181	"Amendments establishing grant program. The House amendment authorizes the Commissioner to make grants to State commissions which are broadly representative of public and private and proprietary institutions of postsecondary education, for such commissions to make comprehensive studies of postsecondary resources....

The House amendment also authorizes each State commission to establish a committee to develop and adopt a statewide plan for the expansion and improvement of community postsecondary education programs...." For comparable Senate provision, see Item 168.

The House and Senate provisions related to state commissions were not identified as being comparable provisions and were not cross-referenced. Also, no indication was given of the possible relationship of the state agency and state planning provisions of the House occupational education title to the state commission, comprehensive planning, or community college (or community postsecondary education programs) planning provisions.

Prior to the beginning of the conference committee, after the bills had passed both Houses for the first time, analyses were made of the state agency, state commission and state plan or planning provisions of both bills. As a result, a concern was expresses to the conferees that the state agency, state commission and state planning provisions should be examined together and as a whole rather than only in relationship to the substantive program to which they related. In this way, overlap, duplication or conflict could be identified. Another concern was that the mandatory, and in some cases, detailed structural requirements of some of the provisions failed to reflect the diversity among the states and could have the effect of thwarting rather than giving assistance to efforts already underway in many states related to comprehensive planning and reorganization of state postsecondary education structure.[29]

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[29]Aims C. McGuinness, Jr. and Donald R. McNeil, "Impact of Structural Provisions of H.R. 7248 and S. 659 on State Organization," unpublished, March 17, 1972.

In light of these concerns, the conferees instructed the staff to analyze the state commissions and related provisions and prepare draft language that would do the following:

(a) Provide federal assistance to state commissions for comprehensive planning for postsecondary education (as in both the House and Senate Amendments);

(b) Include both the proposed program of grants for improvement of community colleges from the Senate Amendment, and the occupational education program grants from the House Amendments;

(c) Relate the planning both for community colleges and occupational education more closely to the general state commission rather than to separate state agencies or committees; and

(d) Provide for increased flexibility for states by making consolidation of the HEFA state commissions with the new state commissions optional rather than mandatory as in the Senate Amendments.

The draft compromise language was presented to the conference committee on April 26, 1972 and after amendments, received the conferees' tentative approval.

Appendix B-1, page 149 presents a side-by-side comparison of the conference agreement as reported on May 18. Appendix B-2, page 155 shows the major provisions of the agreement and their interrelationships. The full text of the section of the Conference Report on the 1202 commissions is shown in Appendix C-3, page 170 .

The conference agreement did the following in relationship to the House and Senate Amendments:

a. Required the states to establish or designate a state commission in order to be eligible to receive assistance for comprehensive planning, community colleges or occupational education;

b. Retained essentially the same language as in the House Amendment regarding the "representative" characteristics required of the state commission (including use of the word "equitably" and the reference to proprietary institutions), but added detail regarding other types of postsecondary educational institutions;

c. Added an authorization for state commissions to "establish committees or task forces, not necessarily consisting of Commission members, and utilize existing agencies or organizations to make studies....;"

d. Provided states the option, after July 1, 1973, to consolidate the state commissions, institutions or state agencies required for the purposes of Title I (Community Service and Continuing Education), Title VI (Undergraduate Instructional Equipment) or Title VII (Undergraduate Academic Facilities) with the 1202 commissions (Title I had not been included in either House or Senate Amendments);

e. Authorized the U.S. Commissioner of Education to make payments for administration of Titles I, VI or VII to 1202 commissions but did not authorize use of payments for comprehensive planning to determine construction needs, as in the Senate Amendments;

f. Provided for continued separate operation of state commissions for Titles VI and VII but did not provide for payments for administration of such separate operation;

g. Combined two separate authorities in both House and Senate Amendments, one for grants for comprehensive inventories and the other for grants for comprehensive planning, under a single authority;

h. Provided for technical assistance to state commissions as in the House Amendments, but only if requested;

i. Placed the occupational education program in the House Amendments and the community college program in the Senate Amendments both in Title X;

j. Assigned responsibility for development of the community college state plan and occupational education planning to the 1202 commissions;

k. Retained the provisions of the occupational education program related to designation of a state administrative agency (without the planning authority now assigned to the 1202 commissions) and the use of the state advisory council for planning, administration, evaluation and other functions defined under Section 104 of the Vocational Education Act of 1963, as amended; and

l. Changed the committee for developing the community college state plan, a function now assigned to the 1202 commission, to an advisory council with membership more broadly defined than in the Senate Amendments.

The conferees also adopted a new program -- based on the proposal in the Senate Amendments for a National Foundation for Postsecondary Education --

support for improvement of postsecondary education, Section 404 of the General Education Provisions Act. This section stated: "(b) No grant shall be made or contract entered into under subsection (a) for a project or program with any institution of postsecondary education unless it has been submitted to each appropriate State Commission established under Section 1202 of the Higher Education Act of 1965, and an opportunity afforded such Commission to submit its comments and recommendations to the Secretary." Involvement of the 1202 commissions in the Fund for Improvement of Postsecondary Education had not been contemplated prior to the Conference.

5. *SUMMARY OF FINDINGS AND CONCLUSIONS REGARDING CONGRESSIONAL INTENT*

The primary source for determination of "Congressional intent" should be the language of the law itself. The farther one moves from the actual language, the more uncertain the interpretations of intention become. As suggested by the controversy surrounding implementation of 1202 state commissions, some of the language in Section 1202 and related provisions could be interpreted in more than one way. Certain of these ambiguities can be clarified by a careful review of the language of the law and by an analysis of the legislative history.

When the conference agreement, conference report and other documents are examined, it is apparent that the conferees examined the state commission, state agency and state planning provisions of both houses' Amendments from a perspective either not available to or not taken by participants in the earlier stages of the legislative process. In particular, it appears that the conferees considered questions on federal-state relations and state planning in the broad context of post-

secondary education rather than in the more narrow context of traditional higher education or various segmental program areas such as community colleges, occupational education or postsecondary vocational and technical education. It also appears that the various federal requirements for state agencies and commissions were considered together and as a whole rather than separately.

One of the prime reasons for the controversy which arose from Section 1202 may be that the context of "postsecondary education," as conceived by the conferees, represented a perspective quite different from that of the existing state structures for planning. Because the Conference Committee was closed and confidential, no direct evidence is available to document that the conferees were aware of and discussed this kind of philosophy or intent underlying 1202 commissions. With these reservations in mind, the following summarizes what appears to be known and not known regarding Congressional intent with respect to certain issues raised during implementation.

a. *"Broadly and Equitably Representative of the General Public and of Public and Private Nonprofit and Proprietary Institutions...."*

While the legislative history of 1202 commissions does not contain a direct explanation of the meaning and intent of the language of Sect 1202(a), the following gives at least some indication of intent:

-- The Senate Amendment provision used the same language as in the Higher Education Facilities Act (HEFA). The interpretation and administration of the HEFA by the U.S. Office of Education (USOE) could be a guide for the new provision. The legislative history of the HEFA state commissions includes

no elaboration of the "broadly representative" provisions. The Office of General Counsel in Health, Education and Welfare apparently expressed an opinion in 1964 that "the 'broadly representative' nature of a commission could be established on the basis of either the present or prior affiliation of the commission's members with various types of institutions of higher education in the State or the Governor's judgment that the various categories of institutions of higher education in the State were satisfied that they were represented on the commission; nothing was said about representing the public."[30]

In administering the HEFA, USOE apparently "took the position that an otherwise nonrepresentative commission could be considered 'broadly representative' by virtue of the composition of its advisory committee, so long as explicit provision was made for the full consideration by the commission of the committee's views." [31]

In 1971, USOE drafted, but did not propose, an amendment to the HEFA regulations suggested by the Office of Civil Rights explicitly defining "broadly representative of the public" to mean "that the membership of the Commission includes adequate representation

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[30] See footnote 8, page 8 (page 3 of the memo).
[31] See footnote 8, page 8 (page 4 of the memo).

both on the basis of sex and on the basis of the significant racial, ethnic, and economic groups in the State." [32]

In fact, the kinds of persons deemed to be "representative" of various types of institutions varied significantly from state to state. Apparently USOE never formally challenged the membership of any commission, although informal suggestions may have been made.

The Senate Report on S. 659 states that advisory councils could be used if "impediments" exist in a given state to making the commission's composition "broadly representative."

--The House Amendment, however, did not use the same language as the Senate Amendment (the House Amendment was added to the bill after the Senate had passed S. 659). The House used the word "equitably" which implies a degree of precision beyond that of the Senate Amendment, and increased the number of institutional types in the listing and specifically added proprietary institutions.

--The conference agreement retained the "broadly and equitably representative" language and the inclusion

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[32] See footnote 8, page 12 (p. 4 of the memo).

of proprietary institutions, as in the House bill, and then added ven greater detail to the listing of institutional types. In fact, the original draft of the compromise as presented to the committee included even greater detail:

Draft: ...which is broadly and equitably representative of the general public (including industry, commerce labor and agriculture), public and private institutions providing elementary and secondary education, and public and private nonprofit and proprietary institutions of postsecondary education in the State including community colleges (as defined in Title X), junior colleges, postsecondary vocational schools, technical institutes, four-year institutions of higher education and branches thereof:

Final: ...which is broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education in the State including community colleges (as defined in Title X), junior colleges, postsecondary vocational schools, area vocational schools, four year institutions of higher education and branches thereof.[33]

The proposed additional detail, which was rejected, reflected planning provisions of the Occupational Education Act assigned to the 1202 commissions by the compromise. The final language includes no references to other than postsecondary institutions.

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[33]Draft Conference Agreement on Section 1202 and Related Provisions of Higher Education Act of 1965, April 25, 1972.

In general, Congress intended that the "broadly and equitably representative" language should refer to the membership of the 1202 commission and did not consider acceptable, as had the Senate in its report, the use of advisory committee as an alternative to the commission membership.[34] Neither the Senate or the House Amendments, and clearly not the conference agreement, shows an indication that a state agency could be judged "broadly and equitably representative" by virtue of its legal status or authority without regard to the composition of its membership. The record does not include a definition of the words "broad" and "equitably" or of how one might judge a commission or a member as "representative," nor does it define the meaning of "general public."

b. *Use of Existing State Agencies, and Flexibility for State-by-State Implementation*

There appeared to be a general consensus among the Conferees and observers of the conference that Congress intended Section 1202 to provide flexibility for state-by-state implementation, taking into consideration the wide variations among states with respect to structure, laws, traditions and configurations of institutions. At the same time, both the House and Senate Reports and action by the Conference Committee suggest an emphasis on use of existing state agencies, provided such agencies met the "representative" requirement. Evidence on these points is as follows:

(1) The Senate Report explicitly stated the Committee's intent that the state commission be "the same Commission or Board of Higher Education which is in charge of planning and coordinating higher education for the State Government" (see Appendix C-1, page 166).

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[34] See footnote 8, page 12; also letter from U.S. Representative Albert H. Quie (R-Minn) to Aims C. McGuinness, Jr., May 17, 1972.

(2) The House Report, by its reference to the growth of state higher education agencies and the table giving a state-by-state listing and classification of higher education agencies, implied at least an expectation that some of those agencies would be designated, provided they could meet the "representative" requirements, (see Appendix C-2, page 167).

(3) The Conference Committee changed the draft compromise language to provide explicity for designation of existing state agencies:

Draft: "...shall establish or designate a State Commission which is broadly and equitably representative...."

Final: "...shall establish a State Commission or designate an existing State agency or State Commission (to be known as the State Commission) which is broadly and equitably representative..." (emphasis added). [35]

Despite the emphasis on existing agencies and flexibility in light of unique state laws or circumstances, the increasing emphasis on "broadly and equitably representative" had the effect of decreasing flexibility for states and of decreasing the chances that existing agencies could be designated except with augmented membership to meet the new requirements. Among the states, the current trend is clearly away from including institutional representatives on state coordinating or governing boards. In some states, heads of institutions or institutional governing board

[35] See footnote 33, page 42.

members or even employees of institutions were barred by law from serving as members of state coordinating or governing boards or commissions.[36]

The Senate Report emphasized that the language of the Senate Amendments would provide time for state legislatures to modify state law with respect to existing agencies in order to conform with the new federal requirements. This implies that, while the Senate committee intended that existing agencies be designated, this would be possible in some states only after changes had been made in state law with respect to the authority of such agencies.

The House Amendments and Report, on the other hand, emphasized flexibility by not including mandatory consolidation of state commissions, substituting "may" or "shall" wherever possible and stressing comprehensive planning as the function to be supported by federal grants. While existing state agencies were mentioned and listed in the report, the report does not explicitly state that the committee intended those agencies to be the new state commissions. The emphasis is on "...grants to encourage States to designate or create commissions for planning...(which) should be broadly representative of the public, private non-profit and proprietary institutions" (see Appendix C-2, page 167). Presumably, being more flexible, the House Amendments would have facilitated use of existing agencies. Nevertheless, only a limited number of the state agencies listed in the House Report were authorized by their respective state laws to undertake comprehensive planning of the scope authorized in the House Amendments. Neither as mentioned above, could many of the agencies meet the "representative" requirement.

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[36] Robert O. Berdahl, Statewide Coordination of Higher Education (Washington, D.C.: American Council on Education, 1971), pp. 47-65.

As a final point, when the conference agreement placed the responsibility for occupational education planning in the 1202 commission, the issue of legal jurisdiction of existing agencies became even more significant. The authority of existing agencies in many states was limited to planning, coordinating or governing traditional higher education, and without changes in state law, the authority to undertake planning of the scope intended under Section 1203, or especially Title X, Part B, Occupational Education, might be questioned. While Congressional emphasis on existing agencies and state-by-state flexibility is evident, the requirements of the law are such that in many states either the authority or composition, or both, of existing agencies would have to be changed or new commissions created to be eligible for assistance.

Evidence is lacking in the hearing record and other legislative history that a full examination was made of the diversity among the state structures for postsecondary education planning, and of the potential impact of the requirements in the House and Senate Amendments. In some respects, this may have been the result of a lack of knowledge or understanding by those unfamiliar with state-level postsecondary education that the relative uniformity among the states in state agencies for elementary, secondary and vocational education did not extend to postsecondary education.

c. *Consolidation of State Commissions*

The Conferees intended that the states should have the choice or option after July 1, 1973, to consolidate the state commissions, state agencies or institutions required under Title I: Community Service and Continuing Education, Title VI: Undergraduate Instructional Equipment or Title VII: Undergraduate Academic Facilities, with the 1202 Commissions.

The authority for separate commissions in Section 1202(d) does not include an authority for the U.S. Commissioner of Education to make payments to such commissions for administration of Titles VI and VII. There are indications that this omission was an oversight, and in any event the omission was not intended as an incentive for states to exercise the option to consolidate state commissions.

d. Comprehensive Planning (Section 1203)

Some have pointed out that while the heading for Section 1203 is "Comprehensive Planning," these words are not included in the law. It is argued that planning authorized by Section 1203 was to be limited to the planning activities defined in Title X, Community Colleges and Occupational Education. The legislative history of this provisions does not support this point of view. The evidence to support Section 1203 as a comprehensive planning grant authority is as follows:

(1) Both the House and the Senate Amendments contained essentially the same two authorities for the commissioner to make grants to state commissions, one for comprehensive inventories and studies, and the other for comprehensive planning. Neither of these authorities was linked with community college or occupational education planning, except that the comprehensive planning was to "include consideration of a system of comprehensive public community colleges (the words "community service institutions" were used in the House Amendment) as a means of achieving such purpose."

(2) The conference agreement merged these two authorities simply by inserting the word "planning" in the first. A

comparison of the language of the House and Senate Amendments with the Conference Agreement is as follows:

House and Senate Amendments

"... to enable them to make comprehensive inventories of, and studies with respect to, the postsecondary educational resources in the States and means by which such resources may be better planned and coordinated, improved, expanded, or altered in order to insure that all persons within the States who desire, and who can benefit from, postsecondary education may have an opportunity to do so" (emphasis added).

Conference Agreement

"To enable it to expand the scope of the studies and planning required in title X through comprehensive inventories of, and studies with respect to, all public and private postsecondary educational resources in the State, including planning necessary for such resources to be better coordinated, improved, expanded, or altered so that all persons within the State who desire and who can benefit from, postsecondary education may have an opportunity to do so" (emphasis added).

(3) The new words added to Section 1203 "...expand the scope of the studies and planning required in title X...," were intended to mean "undertake planning of greater scope than, or transcending" segmental planning under title X, and were not intended to mean "do more of the same activities as authorized under title X."

The conference agreement makes possible the funding of Section 1203 without regard to Title X, and funding of Title X without regard to Section 1203, except that planning supported under one authority should not duplicate that support under the other, and the planning under Section 1203 should be broader than that carried out under Title X.

e. *Planning vs. Coordination*

The conference agreement assigned essentially three functions to 1202 commissions:

(1) Planning (Section 1203 and Sections 1001 and 1056);

(2) State administration related to Titles I, VI, or VII, of the Higher Education Act, if the state wished, after July 1, 1973, to assign one, two or all three of these to the 1202 commission (Section 1202 (c)); and

(3) Commenting and making recommendations to the Secretary of Health, Education and Welfare, when afforded an opportunity to do so by the secretary, on grants to or contracts with institutions of postsecondary education under the Fund for improvement of Postsecondary Education (Section 404(b) of the General Education Provisions Act).

The law is silent regarding what other functions a state agency designated as the 1202 commission might be assigned under state law as well as what other functions a state might assign under law to a newly established 1202 commission.

Concern was expressed by some persons, especially institutional representatives, that the designation of an existing agency as the 1202 commission

might strengthen the regulatory, coordinating or governing authority of such agency over the institutions beyond that implied by the term "planning." Others suggested that by permitting a state to create a state commission where none had existed before, Section 1202 would stimulate the development of a state coordinating agency with authority beyond "planning."

There is clear evidence regarding Congressional intent that the primary function of the 1202 commissions from the viewpoint of Federal law was planning. There is no evidence in the legislative history, however, that Congress contemplated the potential "spin-off effects" of the designation or establishment of state planning commissions. There is no specific mandate for "coordination" as a function of 1202 commissions in the federal law. Nevertheless the law does authorize, through Section 1203, planning in order that there may be improved coordination.

C. U. S. OFFICE OF EDUCATION IMPLEMENTATION OF 1202 STATE COMMISSIONS

This part of the report is organized according to four phases of the implementation process. The first phase covers the period from a tentative agreement by the conferees on the 1202 commission compromise to the report by the "Cosand group" in late July 1972. The second phase covers the period from July 1972 to early April 1973, during which the internal U. S. Office of Education (USOE) Task Force on State Postsecondary Education Commissions prepared the "Issue Paper" and draft regulations on the 1202 commissions, wide-ranging reactions to the "Issue Paper" were obtained, the decision was made by USOE to defer implementation and oversight hearings were held on state commissions before the House Special Subcommittee on Education.

The third phase, which actually overlaps the second and fourth phases, covers the budget and appropriations actions related to the 1202 commissions, the most significant of which were related to the fiscal year 1974 appropriations acted upon during the period March through December 1974. The fourth phase covers the action of USOE to reinitiate implementation leading to the U. S. Commissioner of Education's letter to the governors of March 1, 1974 and continuing through the processing of 1202 commission designations and of grant applications under Section 1203, Comprehensive Planning.

1. PHASE ONE: TENTATIVE CONFERENCE AGREEMENT THROUGH REPORT OF THE "COSAND GROUP"

Chart 1 on the following page shows the chronology of this phase of implementation. During the legislative process described in part A of this chapter, the 1202 commissions received relatively little attention from Congress, the postsecondary education community and the states, but this changed dramatically in the implementation process. Intense interest was

generated by the Conference Committee compromise almost from the day the tentative agreement was reached.[37] From about April 1972 to April 1973 debate regarding the 1202 commissions overshadowed all other provisions of the 1972 Amendments, with the exception of those related to student assistance.

The lack of a full record of debate on the 1202 commissions during the legislative process largely contributed to the intensity of the debate during implementation because a number of fundamental questions that concerned implementation had not been considered by Congress. The scope and long-range implications of the Congressional compromise on Section 1202 were far greater than those of any of the included provisions alone. Unfortunately, the full reasoning which led to the compromise on Section 1202 and related provisions was shrouded in the confidentiality of the closed Conference Committee deliberations and the unofficial negotiations of Congressional staffs. Even in the combined form of the compromise, Section 1202 and related provisions appeared at the time to be of minor significance compared to the major differences to be resolved by the conferees--student assistance, institutional assistance and school busing.

In May 1972, just as the Conference Committee was completing its work, the annual meeting of the Education Commission of the States (ECS) was held in Los Angeles. Recognizing the implications of the tentative compromise for the states, Richard M. Millard, Director of ECS Higher Education Services, prepared a list of 11 basic questions on the 1202 commissions for discussion at the ECS meeting (See Appendix D-2, page 176). Included on this list were questions on the meaning of the phrase, "broadly and equitably representative," the potential impact of the provisions on existing state

[37]The compromise on Section 1202 reached on April 26, 1972 was not approved until May 17-18. Prior to final approval, the compromise was unofficial and was not made public, although information about the agreement became available unofficially.

Chart 1

PHASE ONE - U.S. OFFICE OF EDUCATION (USOE)
IMPLEMENTATION OF 1202 STATE COMMISSIONS

1972

April 26	Conference Committee reaches tentative agreement on 1202 compromise.
May 17	Conference Committee reaches final agreement on report.
May 18	Annual meeting of the Education Commission of the States adopts resolution urging USOE to have wide participation in developing regulations on 1202 commissions; ECS to assume leadership in implementation.
June 9	Joseph P. Cosand, Deputy Commissioner for Higher Education, USOE, invites selected group to meeting to initiate "open discussion among all concerned" about 1202 commission legislation. ECS resolution and basic questions on 1202 commissions by ECS enclosed with invitation.
June 16	Meeting of "Cosand Group" in Washington, D.C.; small task force to be appointed to draw up recommendations to larger group on implementation; participants asked to give comments on 1202 implementation.
June 23	President signs Education Amendments of 1972 into law (P.L. 92-318).
June 27	Small task force meets in Chicago; Lyman Glenny, Berkeley Center for Research and Development in Higher Education, to prepare draft tentative conclusions and recommendations.
July 5	Glenny's draft of "tentative conclusions" completed.
July 17	"Cosand Group" meets in Washington, D.C. and agrees on amended version of "tentative conclusions."
July 19	Cosand forwards "tentative conclusions," including general assumptions representing consensus of meeting participants to Marie Martin, director, community colleges, Bureau of Higher Education, USOE, chairman of internal USOE Task Force on State Postsecondary Education Commissions.

structures and the relationship of planning for community colleges and occupational education to comprehensive planning for all postsecondary education.

The ECS annual meeting on May 18 (same day the Conference Committee completed its work) adopted a resolution concerning the 1202 commissions (See Appendix D-1, page 173), emphasizing potential changes that might result from the legislation and the need for full participation of and cooperation among a wide range of groups to assure effective implementation. It charged, in part, that ECS urge the U.S. Office of Education "to provide ample opportunity for immediate participation in the development of regulations" of state officials and the education community, and that ECS "assume national leadership...to assure...the regulations...encourage and facilitate effective state planning and coordination of postsecondary education; and provide maximum flexibility for the states regarding the precise structure for implementing the intent of the provisions in a manner consistent with unique state laws, structure and traditions..."

Sharing the concerns expressed at the ECS annual meeting, Joseph P. Cosand, Deputy U.S. Commissioner for Higher Education, U.S. Office of Education (USOE), invited a group of 30 persons to a meeting in Washington, D.C., on June 16, 1972 to discuss implementation of 1202 commissions, assuming the legislation would be signed into law. Dr. Cosand's invitation enclosed an outline of the relevant sections of the conference agreement, Dr. Millard's list of basic questions and the resolution from the ECS annual meeting. Participants at the meeting, in addition to Dr. Cosand, Dr. Millard and USOE staff, included presidents of several state universities and

colleges, chief state school officers, state vocational education directors, state community and junior college directors, state legislators, the executive director of a state private college council and a representative of the American Council on Education.

Among the issues discussed at the meeting were the following:

a. What was the Congressional intent regarding the phrase "broadly and equitably representative?"

b. Did Congress intend that the federal law authorize only planning functions for 1202 commissions, or did it also intend that the commissioner be authorized by federal law to be involved in implementation of planning and in coordination?

It was agreed at the meeting that Dr. Cosand should appoint a small task force to prepare draft recommendations on implementation of the 1202 commissions for later consideration by the larger group. Participants also agreed to send in comments on how the law might be implemented. Lyman Glenny of the Center for Research and Development in Higher Education, University of California at Berkeley, agreed to develop tentative conclusions for distribution to the group.

The small task force met on June 27, and working from Dr. Glenny's tentative conclusions, considered in greater detail several of the issues discussed 10 days earlier: the meaning of "broadly and equitably representative," changes that might be possible in the authority or composition of existing agencies to meet the federal requirements, the use of advisory councils to meet the "representative" requirements and the required role of the state advisory councils on vocational education with respect to Title X, Part B, Occupational Education.

Dr. Cosand emphasized that USOE was seeking advice from a number of sources, and would be meeting with House members of the Conference Committee. Meetings between USOE and members of Congress and Congressional staffs on 1202 commissions were held at several points in the implementation process. Following this meeting, a revised version of the tentative conclusions was distributed, with comments submitted by individual participants, to those who would attend a meeting of the larger "Cosand Group" on July 17.

On July 17, approximately 30 new persons attended with most of the original group. The new participants included representatives from the National Advisory Council on Vocational Education, state advisory councils on vocational education, the association of higher education facilities commissions and USOE staff members from both the Bureau of Adult, Vocational and Technical Education and the Bureau of Higher Education. The participants adopted a list of general assumptions and conclusions to be a guide for the development of regulations for implementation of 1202 state commissions (See Appendix D-3, page 176). This document was then forwarded to Marie Martin, director, community colleges, Bureau of Higher Education, who was then chairman of the internal USOE Task Force of State Postsecondary Education Commissions.

A basic question raised by the "Cosand Group" was whether its general assumptions and conclusions were in concert with Congressional intent. The group, which represented an exceptionally broad cross section of concerned groups, arrived at its position from an open discussion aimed at implementing the law in a way that would facilitate and build upon, rather than thwart or disrupt, efforts of existing agencies. That some of the conclusions may have been at variance with Congressional intent is

not surprising, given the complexity of the law and the sparseness of the legislative record. The wide involvement of concerned persons in the "Cosand Group" meetings established a pattern of openness and participation which would characterize later phases of USOE implementation of Section 1202.

2. *PHASE TWO: "ISSUE PAPER" TO OVERSIGHT HEARINGS*

Chart 2, on the next page, shows the chronology of this phase of the implementation. The USOE internal task force worked throughout the fall of 1972 with only limited involvement of outside persons, although questions, offers of advice and assistance were received from many sources. The task force completed a draft preliminary report, "Issue Paper" on State Postsecondary Educaton Commissions, dated November 24, 1972. The U.S. Office of Education initiated an unusual process for achieving broad involvement in the development of the rules and regulations. This process was described in the final report of the task force as follows:

> " Legislative language with respect to State Commissions authorized in Section 1202 is, in some respects, subject to varying interpretations: a condition which could open the door to conflict among various interested parties in the postsecondary educational community and in the general public. The intent of the legislation clearly is to encourage resolution of such conflicts by convening interested parties to discuss and plan together as members of State Postsecondary Education Commissions, and it is the responsibility of DHEW/USOE to facilitate this cooperation through the rules and regulations which are formulated to guide the implementation of Section 1202 and related provisions of Federal law.
>
> " This responsibility has prompted DHEW/USOE to adopt a somewhat unusual procedure for the formulation of Federal rules and regulations for the establishment and operation of the Section 1202 State Commissions - a procedure which assures three separate opportunities for interested parties to submit reactions, comments and suggestions concerning draft materials. On November 24, 1972, the Task Force submitted its preliminary report to the Deputy Commissioner for Higher Education. Ten days later, on December 4, 1972, copies of the report were distributed by mail

> to more than 5,000 individuals, including Members of Congress, State and Territorial Governors and Governors-elect, State legislative leaders, various Federal and State education officials, presidents of postsecondary educational institutions, and a variety of other interested parties. Each copy of the report was accompanied by a letter from the Deputy Commissioner for Higher Education requesting written reactions, comments and suggestions to be directed to the Chairman of the Task Force." [38]

Nearly 450 responses were received and reactions were intense. Some disagreed with the extent to which the "Issue Paper" appeared to go beyond or to ignore what was understood to be Congressional intent. Others were disturbed about the implications of the law, however accurately it might have been interpreted by the USOE task force. The reactions fell into three major categories:

a. Concern on the part of a number of persons in the states, major institutions, state agencies, governors' offices about the potentiality of the 1202 commissions disrupting effective plans for postsecondary education at the state level;

b. Concern about the exact role of these commissions, including a considerable amount of anxiety about some statements that appeared in the preliminary report that perhaps stated the role of the commission too broadly in terms of coordinating as opposed to strictly planning functions and

c. Concern about what constitutes "broadly and equitably representative." [39]

The task force reviewed the reactions and comments and prepared a revised draft of the "Issue Paper" dated January 10, 1973. This draft was

[38] U.S. Congress, Committee on Education and Labor, Special Subcommittee on Education. Oversight Hearings, State Postsecondary Education Commissions, 93rd Congress, First Session, pp. 149-150.

[39] See footnote 38 above (p. 114 of Oversight Hearings).

Chart 2

PHASE TWO - U.S. OFFICE OF EDUCATION (USOE)
IMPLEMENTATION OF 1202 STATE COMMISSIONS

1972

July-November	Deliberations by USOE internal Task Force on State Postsecondary Education Commissions.
November 14	Completion of working draft of "Issue Paper;" circulated confidentially to limited group.
November 24	Revised version of working draft of "Issue Paper" completed.
December 4	Dr. Cosand sends "Dear Colleague" letter enclosing November 24 working draft of "Issue Paper" inviting comments by December 18.
December 18	Over 450 substantive responses received to "Dear Colleague" letter out of 5,000 distributed.

1973

January 9	Revised draft of "Issue Paper" dated January 10 reviewed by representatives of ECS and American Council on Education; draft not distributed for wide comment.
February 1	Final report of USOE task force completed (including revised "Issue Paper" and preliminary draft regulations); report not released by USOE.
March 7	John Ottina, Acting U.S. Commissioner of Education, announces "indefinite postponement" of implementation of 1202 commissions because fiscal year 1974 budget does not fund related programs.
April 9, 11 and 12	Oversight hearings before House Special Subcommittee on Education on State Postsecondary Education Commissions; Administration agrees to give subcommittee copies of revised "Issue Paper" and draft regulations for hearing record, but on condition materials are understood to be unapproved by USOE.

reviewed by a small group brought together by Roger Heyns, President of the American Council on Education, in an attempt to smooth the sharp disagreements between state and institutional representatives with respect to the earlier draft. Participants in that meeting were surprised and pleased by the changes made in the new draft and it appeared a number of causes for division had been eliminated. Only a few recommendations for further changes were made.

On the basis of the reactions of the ACE group and others, including members of Congress and their staffs, the task force completed its report including a final draft of the "Issue Paper" and a preliminary draft of regulations dated February 1, 1973. USOE originally had planned a general mailing of the February 1 report. Then, as explained in the report, this was

> " ...to be followed by USOE review and clearance in late-February, and transmittal to DHEW and the Advisory Council on Intergovernmental Relations for their required reviews. Unless unforeseen delays should arise, this schedule will permit publication of proposed rules and regulations in the Federal Register - and commencement of the third and final opportunity for public comment - during the week of March 19-23, 1973." [40]

However these additional procedures were never followed. On March 7, 1973, after a month of silence, Acting U.S. Commissioner of Education John Ottina announced in a "Dear Colleague" letter that since

> " ...it has been determined that we should indefinitely defer our plans for distribution of the Revised Report of the Task Force, and suspend all activity related to establishment of the Section 1202 State Commissions..." (See Appendix D-4, page 183).

Reactions to the commissioner's decision were mixed. [41]

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[40] See footnote 38, page 58 (p. 150 of Oversight Hearings).

[41] See footnote 38, page 58 (pp. 46-47 of Oversight Hearings).

Despite disagreement regarding the desirability of 1202 state commissions, surprisingly strong agreement prevailed that the revised "Issue Paper" should be released. While many of the reactions to the first draft of the "Issue Paper" were negative, the open approach taken by USOE in the implementation process was judged by even those with the strongest misgivings to have stimulated a healthy interchange at both the national and state levels among elements of postsecondary education which had not always worked closely together in the past -- public, private and proprietary institutions, postsecondary vocational-technical institutions, various state agencies and the general public. In fact, the effect of resolving rather than stimulating conflict was apparently achieved.

The limited number of persons who reviewed the revised draft of the "Issue Paper" were especially anxious that the changes in the revised document from the earlier draft be made public. This would have had the effect of neutralizing some of the negative impact of the earlier draft.

In light of the interest generated by the first "Issue Paper" and the intense reaction to the commissioner's decision not to release the revised draft and to proceed with implementation, Representative James G. O'Hara (D-Mich.), Chairman of the House Special Subcommittee on Education, scheduled oversight hearings on state postsecondary education commissions in mid-April 1973. At Representative O'Hara's request, the Secretary of Health, Education and Welfare reluctantly made available the final task force report, with the revised "Issue Paper" and draft regulations, to the subcommittee. These were then made public in the record of the

hearings with strong statements disclaiming any official endorsement of the contents by the Department of Health, Education and Welfare and the U.S. Office of Education. [42]

Testimony at the hearings included a review of the background and legislative history of the 1202 commissions, and focused in particular on the implications of the commissioner's decision to postpone implementation. Aside from providing valuable information on the law and the USOE "Issue Paper," the interchange between members of the subcommittee and witnesses provided some of the rationale for the approach eventually taken by USOE in implementation of the 1202 commissions in 1974.

At several points in his questioning of witnesses, Representative O'Hara made clear his interpretation of the law that Section 1202(a) does not contain an explicit authorization for the commissioner to play a discretionary role with respect to designation or establishment of 1202 commissions. Representative O'Hara emphasized that federal guidelines, rules and regulations were not needed for implementation. States could read, interpret and inplement the law themselves. This point of view was expressed in the following exchange:

> " Mr. O'Hara. Well, with respect to the first part of your answer, the absence of regulation under Section 1202 does not in fact prevent a State from establishing a 1202 State Commission, or getting Federal funding for it? Right?
>
> " Witness. Yes, sir, that is correct.
>
> " Mr. O'Hara. There is no reason why the Governor can't read 1202 and say, "Well, the law calls for establishing a commission, and here is what the law ways, and so here is what I propose we do."

[42] See footnote 38, page 58 (pp. 145-182 of Oversight Hearings).

" Witness. In fact, several have."

* * * * * * *

" Mr. O'Hara. I have kind of a prejudicial position on this. I recognize that the theoretical justification of rules and regulations is to implement the law, but I think in fact they more often obstruct the implementation of the law. I think we have too many of them, and I see no reason why a State can't go ahead and establish a 1202 commission. What do they need regulations for?" (43)

With the U.S. Office of Education holding steadfast in its opposition to official release of either the "Issue Paper" or draft regulations, the debate quieted following the House hearings. The efforts of supporters of 1202 commissions shifted to the processes leading to fiscal year 1974 appropriations for the Departments of Labor and Health, Education and Welfare.

3. *PHASE THREE: BUDGET REQUESTS AND APPROPRIATIONS*

Chart 3 shows the chronology of this phase of the implementation. Even though the budget and appropriations actions occurred in both phases two and four, these actions are reported in a separate section because most of the significant action in terms of eventual implementation of the 1202 commissions occurred between phases two and four.

The first appropriation directly related to the 1202 commissions was made in a supplemental appropriations bill for fiscal year 1973, H.R. 17034, passed by Congress in October 1972. Funds were included in H.R. 17034 for "construction - state administration," the heading used for appropriations for payments to the higher education facilities commissions (HEFA).

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[43] See footnote 38, page 58 (pp. 53-54 Oversight Hearings).

Chart 3

PHASE THREE - U.S. OFFICE OF EDUCATION (USOE)
IMPLEMENTATION OF 1202 STATE COMMISSIONS

Budget Requests and Appropriations

1972

October 14	Congress approves H.R. 17034, supplemental appropriation, fiscal year 1973, including $3 million for administration of HEFA commissions and report language permitting use of these funds "to establish State Postsecondary Education Commission under Section 1202 of HEA."

1973

January 29	President's 1974 budget proposes termination of community services, instructional equipment and academic facilities construction programs; no funding for Title X, community colleges and occupational education; no funding for Section 1203; $3 million for state administration of HEFA commissions.
March-July	Hearings before House and Senate appropriations subcommittees: Administration opposes implementation of the 1202 commissions and funding of Section 1203; several other witnesses urge funding of Section 1203 and Title X.
June 21	House Appropriations Committee reports H.R. 8877, fiscal year 1974, appropriations for Labor, Department of Health, Education and Welfare; includes $3 million for state postsecondary education commissions (Section 1203).
June 26	Representative John Dellenback (R-Ore.) proposes amendment on House floor to H.R. 8877 to increase appropriation from $3 million to $5 million for Section 1203; amendment fails; H.R. 8877 passes.
August 3	Senator Clifford Case (R-N.J.) proposes amendment in Senate appropriations subcommittee to increase funding of Section 1203 from $3 million to $7 million.
October 2	Senate Committee on Appropriations reports H.R. 8877; provides $4 million for Section 1203 with language permitting use for HEFA state administration.
October 4	Senate passes H.R. 8877.
November 8-31	Conference allows $3 million for Section 1203 and HEFA state administration; after recommittal, conference again reports $3 million on November 31.
December 5	House agrees to Conference Report on H.R. 8877; Dellenback colloquy clarifies intent on use of $3 million for Section 1203.

December 7	Senate agrees to Conference Report.
December 19	President signs H.R. 8877.

1974

February 4	President's 1975 budget request includes no funding for state postsecondary education commissions, Section 1203.
November 28	Senate agreed to Conference Report on H.R. 15580, fiscal year 1975 appropriations for Labor, Department of Health, Education and Welfare; provides $3 million for state post-secondary education commissions; House had allowed $3 million; Senate had allowed $4 million. H.R. 15580 signed into law.

The Senate report on the bill included the following explanation:

> " The committee recommends $3,000,000 for administrative expenses of State agencies which help administer the facilities construction program. The appropriation language would also permit the use of these funds to establish State Postsecondary Education Commissions under Section 1202 of the Higher Education Act."[44]

In fact, no authority is provided in the law for appropriations to "establish" 1202 commissions. The only authorities related directly to the commissions, aside from that in Section 1202(c) related to payments for administration of certain programs, concern planning functions (Sections 1203, 1001 and 1056). In any event, the $3 million appropriation was used for payments to HEFA commissions as Section 1202(c) did not provide states with the option to consolidate the HEFA commissions with the 1202 commissions until after July 1, 1973.

The President's budget for fiscal year 1974, submitted to Congress on January 29, 1973, requested no funds for Title X, Community Colleges and Occupational Education, or for Section 1203, Comprehensive Planning. The budget proposed that the community service, instructional equipment and academic facilities construction programs (Titles I, VI and VII, Higher Education Act) be terminated. A request for $15 million was made for the Fund for the Improvement of Postsecondary Education (Section 404 of the General Education Provisions Act). A request was also made for $3 million for state administration of the HEFA commissions without mention of support for the 1202 commissions. As noted in the previous section on "phase two," Commissioner Ottina used these budget plans as the principal reason for the nonimplementation of the 1202 commissions.

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[44] U.S. Congress, Senate Committee on Appropriations, Senate Report 92-1297 on Supplemental Appropriations for Fiscal Year 1973, 92nd Congress, Second Session, p. 28.

Administration witnesses appearing before the House Subcommittee on Labor, Health, Education and Welfare Appropriations on March 6, 1973 announced the position which Commissioner Ottina would communicate in his "Dear Colleague" letter the following day. At the same time, the Administration argued that its request for $15 million for the Fund for Improvement of Postsecondary Education was not inconsistent with the decision to not implement the 1202 commissions and that the lack of a 1202 commission would not prevent grants or contracts with institutions of postsecondary education in a state. Only where a 1202 commission was "properly" established would there be a requirement that such contracts or grants be submitted to that commission and an opportunity afforded for the state commission to comment and make recommendations. According to the Administration, implementation of 1202 commissions would therefore not be a prerequisite for implementation of the Fund for Improvement of Postsecondary Education.[45]

In the hearings before the House and Senate subcommittees in the spring and summer of 1973, a number of witnesses representing the major national institutional associations, the National Advisory Council on Vocational Education, the State Higher Education Executive Officers (SHEEO) and the Education Commission of the States (ECS) testified in support of appropriations for Section 1203, Comprehensive Planning, or for Title X, Occupational Education and Community Colleges.[46]

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[45] U.S. Congress, Senate, House Committees on Appropriations, Subcommittees on Labor, Department of Health, Education and Welfare, Hearings, H.R. 8877, Appropriations for Fiscal Year 1974; and Senate, Committee on Appropriations, 93rd Congress, First Session (See also footnote 38, pp. 111-118 of the Oversight Hearings).

[46] See footnote 45 above.

In June, the House Committee on Appropriations reported H.R. 8877, the fiscal year 1974 appropriations for the Departments of Labor and Health, Education and Welfare, including $3 million for the state commissions under Section 1203.[47] On June 26, an amendment was introduced to increase the appropriation from $3 million to $5 million. The amendment failed and H.R. 8877 was approved with funding as recommended by the committee.

On July 25, 1973, Chancellor Ralph A. Dungan of New Jersey, testifying before the Senate appropriations subcommittee on behalf of SHEEO, recommended a $7 million appropriation for Section 1203, and added an alternative approach for use of the funds (given the fact that 1202 state commissions had not been implemented): "It should be made clear that in our judgment at this time a State would be eligible to apply for 1203 planning funds, even if the plan for a formalized 1202 commission had not yet been approved. All states would therefore be eligible for support." He estimated that each of the 47 states would receive $100,000 under the recommended appropriation.[48]

Senator Clifford Case (R-N.J.), ranking minority member of the Senate appropriations subcommittee, proposed an amendment to the subcommittee to increase the House appropriation from $3 million to $7 million. Senator Case's letter to the chairman stated:

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48 U.S. Congress, Senate, Committee on Appropriations, Subcommittee on Labor, Health, Education and Welfare, Hearings, H.R. 8877, Appropriations for Fiscal Year 1975, 93rd Congress, First Session. Part 6, p. 5090.

> "The objective of this amendment would be to provide the existing 47 state higher education coordinating authorities with Federal resources to stimulate more effective, coordination and utilization of resources to make each component more mutually reinforcing of the objectives and aims of the other. The amendment would provide each state coordinating authority with resources of $100,000 to $140,000 in the initial year of implementation of the program.[49]

As a result of this recommendation, the Senate version of H.R. 8877 increased the appropriation for Section 1203 from $3 million to $4 million. The report contained the following on the recommendation for Section 1203:

> "For support of the new state postsecondary commissions, the Committee is providing $4,000,000, an increase of $1,000,000 over the House allowance and the budget request. The Committee concurs in the House appropriation language which would allow these funds to be used also to phase out work performed by State higher education facilities commissions."[50]

The Senate passed H.R. 8877 on October 4 with no amendments related to the 1202 commissions added on the floor. The conference agreement on H.R. 8877 reported twice -- on November 8 and on November 31 -- accepted the $3 million in the House Bill. The $400 million reduction by impoundment authorized by the bill did not affect this appropriation.

At the time the House considered the Conference Report on H.R. 8877, Representative John Dellenback (R-Ore.) engaged in a colloquy with the chairman and the ranking minority member of the House subcommittee in order to clarify

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[49] See footnote(48), page 68 (Part 5, p. 4675 of Hearings).

[50] U.S. Congress, Senate, Committee on Appropriations, Report No. 93-414 on H.R. 8877, Appropriations for Fiscal Year 1974, 93rd Congress, First Session. (A reference was included in the appropriations bill to Section 421 of the General Education Provisions Act which authorized the commissioner to pay certain agencies such as the facilities commissions for administration of applicable programs. This authority was used since Section 1202(d) relating to HEFA commissions apart from 1202 commissions does not include an authority for the commissioner to make payments for facilities commissions' administration.)

the intent with respect to the $3 million appropriation for the state postsecondary education commissions (See Appendix D-5, page 184 for full text of colloquy):

> "Mr. Dellenback: My question for the chairman is this: Did the conference committee intend that those States which voluntarily create commissions in compliance with section 1202(a) be able to apply for and receive some of the $3 million appropriations for State postsecondary commissions recommended in the conference report?
>
> "Mr. Flood: The gentleman is correct. The conferees agree to $3 million as contained in the House bill for State postsecondary commissions. On page 21, line 14, of the bill you will find the legal citation of section 1203 of the Higher Education Act. It would follow that the Office of Education would make grants under section 1203 to those States which have created commissions qualifying under that authority..."
>
> "Mr. Dellenback: Mr. Speaker, I appreciate knowing the intent of the conference committee on this matter. I believe enough States have indicated an interest - and indeed have taken action to implement - the concept of involving all aspects of the very broad postsecondary education enterprise, both public and private, in planning to meet the full needs of students in their respective States. It is time for the Office of Education to do whatever is necessary to see that those States which do comply with the criteria set out in section 1202(a) get assistance from this appropriation to move ahead in launching the work of these important commissions."

The Conference Report was accepted by the House on December 5, and by the Senate on December 7. On December 19, the President signed H.R. 8877 into law.

As indicated on Chart 3, the President again requested zero funding for Section 1203 in fiscal year 1975, but again, Congress appropriated $3 million with essentially the same provisions related to use of a portion

of the funds for payments to HEFA state commissions.[51]

4. PHASE FOUR: FINAL IMPLEMENTATION BY USOE

The chronology of this phase is shown in Chart 4. For almost the first half of fiscal year 1974, the U.S. Office of Education (USOE) operated on a continuing resolution authorizing expenditures at the level of the previous fiscal year's appropriation or the President's budget, whichever was less. Under the authority of the continuing resolution, USOE obligated approximately $800 thousand for payments to the higher education facilities commissions (HEFA) for the first two quarters of the year, at an annual rate of approximately $1.75 million.

Therefore, at the time that the fiscal year 1974 appropriation bill was signed into law, a little in excess of $1 million could have been available for grants under Section 1203 to 1202 commissions. Early in 1974, the Office of Management and Budget and the Office of the Secretary of Health, Education and Welfare explored a number of approaches to the appropriation for Section 1203. The principal alternatives considered were as follows:

a. Impound the appropriation, although this would be directly contrary to the Administration's announced intentions.

b. Release the total appropriation to the HEFA commissions, although only $2 million or less would be needed to pay the administrative expenses of these commissions.

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[51] With the release of impounded 1973 funds and a commitment not to impound beyond the $400 million or 5 per cent for any program of 1974 funds, funds were available for Titles VI and VII and therefore there was a need for continuing operation of HEFA commissions.

Chart 4

PHASE FOUR - U.S. OFFICE OF EDUCATION (USOE)
IMPLEMENTATION OF 1202 STATE COMMISSIONS

Budget Requests and Appropriations

1973

December 19	President signs fiscal year 1974 Labor/Health, Education and Welfare appropriations bill; pledges not to impound beyond $400 million limit in bill; Section 1203 funds not affected by $400 million.

1974

January - February	USOE, Secretary of Health, Education and Welfare, and Office of Management and Budget consider alternative approaches to implementation of 1202 commissions, use of Section 1203 appropriation.
March 1	Commissioner of Education John Ottina writes to governors inviting them to inform him of their intentions on implementation of Section 1202 in their respective states.
March 26	Notice in Federal Register on designation or establishment of 1202 commissions.
April 11	Notice in Federal Register on applications for grants under Section 1203.
April 25	States to have made designations or established 1202 commissions to be eligible for Section 1203 funds for fiscal year 1974.
May 15	Closing date for Section 1203 applications (allocations of $26,100 per participating state).

c. Notify the governors by letter that the law is clear, and authorize the governors to establish 1202 commissions and certify them as meeting the requirements of the law. Funds would then be distributed by formula to the commissions.

d. Release the draft guidelines as official Office of Education regulations, with the exception of those sections relating to Title X. Funds would be distributed to those state commissions designated or established by the states which met the criteria set forth in the regulations.

e. A combination of alternatives b and c above. Two million dollars would be used for HEFA commissions and $1 million for Section 1203 grants for 1202 commissions.

On March 1, 1974, the U.S. Commissioner of Education wrote to each governor announcing, in effect, the selection of alternative "c" above (See Appendix D-6, page 186). In taking this position, USOE was following closely the interpretation of Section 1202(a) as given in the oversight hearings before the House Special Subcommittee on Education in April 1973: "that this section provided no explicit discretionary authority for the commissioner with respect to the establishment or designation of 1202 State Commissions." USOE scrupulously avoided substituting its authority for that of the governors with respect to designation or establishment of state commissions. This is illustrated by the following statement in Commissioner Ottina's letter:

> "This letter is intended as an invitation for you to advise me as to the course of action which will be followed with respect to implementation of Sections 1202 and 1203 of the Higher Education Act, as amended in your State."

The commissioner's letter included a minimum of elaboration regarding Congressional intent including statements pointing out that establishment of the 1202 commissions was necessary only if a state desired to receive assistance under Section 1203; a statement setting forth options states could follow in order to qualify for such assistance; a statement emphasizing that "the only functions which Federal law authorizes the designated 1202 State Commission to perform, and for which the $1 million is being reserved from the FY 74 appropriation, is planning for postsecondary education;" an explanation of the options available with respect to consolidation of state administration of Titles I, VI and VII; and finally, a strong statement on the requirement in Section 1202(a) that the state commission be "broadly and equitably representative...."

Commissioner Ottina's letter requested basic information concerning the designation or establishment of the 1202 commissions by April 15 in order for states to be eligible for fiscal year 1974 funding under Section 1203. A notice to this effect was published in the Federal Register on Tuesday, March 26, and again on April 11 in the Federal Register setting forth the application requirements for grants under Section 1203 and indicating a May 15 closing date for applications (See Appendix D-7, page 191, and D-8, page 193). Because of the scarce funding, the limited time available for disbursement of the funds and the potential for renewed controversy regarding the role of the U.S. Office of Education with respect to the 1202 commissions, a decision was made to allocate the funds among the eligible commissions on an across-the-board basis. Allocations of $26,100 were made available to the state commissions for expenditure through fiscal year 1975.

II. Analysis of How the States Have Proceeded

A second major purpose of this study is to provide an analysis of how the states have proceeded in establishing Section 1202 commissions, including: (1) a breakdown of membership by states and (2) related provisions for coordination of postsecondary planning with vocational education and manpower planning. A detailed analysis of membership by states was published by the Education Commission of the States in 1974.[1] This information has been updated to January 1, 1975, and appropriate details will be presented here. Remaining sections describe proposed activities for fiscal year 1974-75, expected coordination with other agencies and institutions, anticipated benefits and specific activities related to coordination of comprehensive statewide planning for postsecondary education with vocational education and manpower planning.

A. METHODOLOGY

The methodology used for this part of the study included the following major procedures:

1. Review of letters from governors to the U.S. Commissioner of Education in response to his letter of March 1, 1974, inviting each of them to advise him on the course of action to be followed in establishing a Section 1202 commission.
2. Examination of program narrative statements included in applications for federal funding during 1974-75 to determine the nature of proposed activities, expected coordination with other agencies and institutions and anticipated benefits to postsecondary education.

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[1] T. Harry McKinney, "Establishment of State Postsecondary Education Commissions," Higher Education in the States, Vol. 4, No. 7 (Denver, Colo: Education Commission of the States, 1974), pp. 185-204.

3. Collection of information from executive officers of Section 1202 commissions to determine the nature of commission membership on January 1, 1975, as well as efforts being made to coordinate proposed activities with those related to vocational education and manpower planning.

4. Discussion of findings with selected institutional, state and national officials to obtain their views on patterns of development and related issues.

B. LETTERS OF INVITATION

The U.S. Commissioner of Education's letter to governors (see (1) above) explained that funds had been appropriated for grants and technical assistance to the commissions in support of activities described in Section 1203. He stated further that a state was not required to establish a commission unless it wanted to receive grants or technical assistance under Section 1203, that the law implied three options for meeting Section 1202 criteria, that the only function authorized by law was planning for postsecondary education, that a state could designate its commission as the state agency for certain other federal programs if it wanted to do so and that the law required the commission to be broadly and equitably representative.

Three options, according to the commissioner, were: (1) creation of a new commission, (2) designation of an existing state agency or state commission or (3) augmentation of an existing state agency or state commission.

Federal programs that could be assigned, he continued, were Community Services and Continuing Education (Higher Education Act [HEA], Title I), Equipment for Undergraduate Instruction (HEA, Title VI) and Construction of Undergraduate Academic Facilities (HEA, Title VII).

Following this explanation, the commissioner requested a response by April 15, 1974 from every state or eligible territory desiring to establish a state commission, including information about the option chosen, other federal programs to be assigned, names of commission members and the name of the principal staff officer. He also requested a letter signed by the governor explaining how the commission's membership would meet the "broadly and equitably representative" requirements of Section 1202 and what provisions had been made to insure continuing compliance with these requirements. The letter was followed by notices in the Federal Register on March 26 and April 11. In the March 26 notice the official deadline for responses was extended to April 25.

C. OPTIONS CHOSEN

The information published by the Education Commission of the States (ECS) in May 1974[2] reveals that 43 states plus the District of Columbia, American Samoa, Guam and Puerto Rico took action to establish commissions on or before the deadline for funding during the fiscal year 1974-75. In addition, Alaska expressed a desire to do so but was unable to enact legislation soon enough. The other six states (Colorado, Kentucky, North Carolina, Tennessee, Virginia and Wisconsin) indicated preferences not to establish commissions at that time. There was no response from the Virgin Islands, the only other eligible territory.

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[2] See footnote 1, page 75.

Since April 25, 1974, three of the six states (Alaska, Kentucky and Virginia) and the Virgin Islands have informed the U.S. Commissioner of Education that they have established commissions for funding during the fiscal year 1975-76. That leaves Colorado, North Carolina, Tennessee and Wisconsin as the only states or eligible territories without commissions for the coming year.

Table I shows the options chosen by the various states and eligible territories in establishing Section 1202 commissions, including Alaska, Kentucky, Virginia and the Virgin Islands. Sixteen states plus the District of Columbia, American Samoa and the Virgin Islands have chosen to create new commissions, nineteen states have chosen to designate existing state agencies or commissions and eleven states plus Guam and Puerto Rico have chosen to augment existing state agencies or state commissions. It should be noted, however, that three of the "new" commissions (California, New Hampshire and South Dakota) were established prior to March 1, 1974, and might be viewed as "designated" state agencies or commissions. Two other "new" commissions (Nevada and West Virginia) included all members of existing state boards and therefore might be viewed as "augmented" bodies. All five have been classified here as "new" commissions because wording in letters from governors indicated that this option had been chosen.

In addition, there have been three changes since the deadline for funding during 1974-75 that affect a listing of options chosen. Minnesota originally established a new commission to be known as the Minnesota State Post-

Table 1

OPTIONS CHOSEN BY STATES AND ELIGIBLE TERRITORIES
IN ESTABLISHING SECTION 1202 STATE COMMISSIONS

New Commission	Existing Agency or Commission	Augmented Agency or Commission	No Commission
Alabama	Connecticut	Arkansas	Colorado
Alaska [3]	Florida	Hawaii	North Carolina
Arizona	Idaho	Maine [7]	Tennessee
California [4]	Illinois	Massachusetts [8]	Wisconsin
Delaware	Indiana	New Jersey	
D.C.	Iowa [6]	North Dakota	
Georgia	Louisiana	Pennsylvania	
Kansas	Maryland	Rhode Island	
Kentucky [3]	Michigan	South Carolina	
Mississippi	Minnesota	Utah	
Nebraska	Missouri	Washington	
Nevada [5]	Montana	Guam	
New Hampshire [4]	New Mexico	Puerto Rico	
South Dakota [4]	New York		
Texas	Ohio		
Vermont	Oklahoma		
West Virginia [5]	Oregon		
American Samoa	Virginia [3]		
Virgin Islands [3]	Wyoming		

[3]Not established in time for funding during 1974-75.

[4]Established prior to March 1, 1974.

[5]Includes all members of an existing board.

[6]Higher Education Facilities Commission.

[7]State Board of Education

[8]Utilizing Board of Higher Education but staffed by Secretary of Educational Affairs.

Source: Letters from governors to the U.S. Commissioner of Education and related correspondence with executive officers of state commissions.

Secondary Education Planning Commission. This has been replaced by an existing agency -- the Minnesota Higher Education Coordinating Commission. New Jersey originally designated an existing agency known as the Board of Higher Education as its state commission. The agency has been augmented since that time and is therefore classified as an "augmented" body. North Dakota's Board of Higher Education was originally designated as the state commission, but additional members have been appointed to meet the requirements of Section 1202. It is therefore classified as an "augmented" body.

Table 2 presents updated information about the official names of the 1202 commissions. As might be expected, most of the new commissions have the word "postsecondary" in the title. Names of commissions established by designating or augmenting existing bodies reveal that many of them are coordinating agencies or consolidated governing boards for public institutions of higher education.

Table 3 provides updated information about assignment of other federal programs to the 1202 commissions. As noted earlier, the programs specified in the law were Community Services and Continuing Education (HEA, Title I, Section 105), Equipment for Undergraduate Instruction (HEA, Title VI, Section 603) and Construction of Undergraduate Academic Facilities (HEA, Title VII, Section 704). Commissions in 26 states and eligible territories have responsibility for all three programs; 17 commissions have responsibility for none of them; and 8 commissions have responsibility for two of them (HEA, Titles VI and VII). The table also

Table 2

OFFICIAL NAMES OF
SECTION 1202 STATE COMMISSIONS

State	Option	Official Name
Alabama	New	Post-Secondary 1202 Commission
Alaska	New	Commission on Postsecondary Education
Arizona	New	Commission for Postsecondary Education
Arkansas	Augmented	Postsecondary Education Planning Commission
California	New	Postsecondary Education Commisson
Colorado	---	
Connecticut	Existing	Commission for Higher Education
Delaware	New	Postsecondary Education Commission
D.C.	New	Commission on Postsecondary Education
Florida	Existing	State Planning Council for Post-High School Education
Georgia	New	Postsecondary Education Commission
Hawaii	Augmented	State Post-Secondary Education Commission
Idaho	Existing	State Postsecondary Education Commission
Illinois	Existing	Board of Higher Education
Indiana	Existing	Commission for Higher Education
Iowa	Existing	Higher Education Facilities Commission
Kansas	New	Legislative Educational Planning Committee
Kentucky	New	Commission for Postsecondary Education
Louisiana	Existing	Board of Regents
Maine	Augmented	Postsecondary Education Commission
Maryland	Existing	Council for Higher Education
Massachusetts	Augmented	Postsecondary Education Commission
Michigan	Existing	State Board of Education
Minnesota	Existing	Higher Education Coordinating Commission
Mississippi	New	Postsecondary Education Planning Board
Missouri	Existing	Coordinating Board for Higher Education
Montana	Existing	Commission on Federal Higher Education Programs
Nebraska	New	Coordinating Council for Postsecondary Education
Nevada	New	Higher Education Commission
New Hampshire	New	Postsecondary Education Commission
New Jersey	Augmented	Board of Higher Education
New Mexico	Existing	Board of Educational Finance
New York	Existing	Regents of the University of the State of New York
North Carolina	---	
North Dakota	Augmented	Higher Education Facilities Commission
Ohio	Existing	Board of Regents
Oklahoma	Existing	State Regents for Higher Education
Oregon	Existing	Educational Coordinating Council
Pennsylvania	Augmented	Postsecondary Education Planning Commission
Rhode Island	Augmented	Postsecondary Education Commission

State	Option	Official Name
South Carolina	Augmented	Post-Secondary Education Commission
South Dakota	New	Education and Cultural Affairs Planning Commission
Tennessee	---	
Texas	New	Governor's Advisory Committee on Postsecondary Educational Planning
Utah	Augmented	State Board of Regents
Vermont	New	Higher Education Planning Commission
Virginia	Existing	State Council of Higher Education
Washington	Augmented	State Council on Higher Education
West Virginia	New	Postsecondary Education Commission
Wisconsin	---	
Wyoming	Existing	Higher Education Council
American Samoa	New	Board for Higher Education
Guam	Augmented	Board of Regents, Post Secondary Education Commission
Puerto Rico	Augmented	Commonwealth Post-Secondary Education Commission
Virgin Islands	New	Postsecondary Education Commission

Source: (Same as table 1)

Table 3

ASSIGNMENT OF SPECIFIED FEDERAL PROGRAMS
TO SECTION 1202 STATE COMMISSIONS
ACCORDING TO OPTIONS CHOSEN IN
ESTABLISHING THESE COMMISSIONS

	All[9]	None	Two[10]
New Commissions	Alaska Arizona California Delaware D.C. Georgia South Dakota American Samoa Virgin Islands	Alabama Kansas Kentucky Mississippi Nevada Texas Vermont West Virginia	Nebraska New Hampshire
Existing State Agencies or State Commissions	Connecticut Idaho Illinois Indiana Louisiana Michigan Minnesota Montana New Mexico New York Ohio Oregon Virginia	Maryland Oklahoma	Florida Iowa Missouri Wyoming
Augmented State Agencies or State Commissions	Hawaii Rhode Island Massachusetts Puerto Rico	Arkansas New Jersey North Dakota Pennsylvania South Carolina Utah Washington	Maine Guam

[9]Higher Education Act, Titles I, VI, VIII.
[10]Higher Education Act, Titles VI and VIII.

Source: (Same as Table 1)

shows that most of the "designated" bodies either had responsibility for the programs already or were given responsibility in the designation process. Assignments to "new" commissions and "augmented" commissions were almost evenly divided between all or none.

D. MEMBERSHIP

Table 4 provides a breakdown of membership on each commission according to types of representation described in Section 1202. Information for commissions established in time for funding during 1974-75 has been updated as of January 1, 1975. Nine columns have been used to show types of representation in each state. The headings are: (1) existing agency, (2) general public, (3) public four-year institutions, (4) public community and junior colleges, (5) public vocational and technical institutions, (6) private nonprofit institutions, (7) proprietary institutions, (8) other and (9) total. The column headed "public vocational and technical institutions" includes postsecondary vocational schools, area vocational schools and technical institutes.

The column indicating existing agencies has been used to clarify the nature of representation on bodies that were either designated or augmented in establishing 1202 commissions. Letters from governors and other information obtained from executive officers of these commissions indicated in many cases that members of existing bodies were viewed collectively as being representative of the general public and one or more types of institutions. For that reason, the number of members on the existing body is shown in one column with a breakdown of that figure in other columns if appropriate details were provided. Footnotes have been added to indicate the name of the agency that was designated or augmented as well as other aspects of

(Continued on Page 94)

Table 4

MEMBERSHIP ON STATE COMMISSIONS ACCORDING TO CATEGORIES SPECIFIED IN SECTION 1202[11]

State	Option Chosen	Existing Agency	Membership[12] General Public	Public Four-Year Inst.	Public Comm. & Jr. Coll.	Public Voc. & Tech. Inst.	Private Non-profit Inst.	Pro-prietary Inst.	Other	Total
Alabama	N	-	2	2	1	3	1(a)	-	-	9
Alaska	N(a)	-	5	2	1	2(b)	1	-	2(c)	13
Arizona	N	-	4	4	3	-	1	1	1(a)	14
Arkansas	A	10(a)	3	-	-	1(b)	-	1	-	15
California	N	-	12	4	2	2(a)	2	1	-	23
Colorado(a)	-	-	-	-	-	-	-	-	-	-
Connecticut	E	18(a)	(11)	(2)	(1)	(1)	(1)	(1)(b)	(1)	18
Delaware	N	-	6	2	1	1(a)	1	-	-	11
District of Columbia	N	-	6	3	-	-	8	2	4(a)	23
Florida	E	11(a)	(3)	(1)	(1)	(1)	(1)	(1)	(3)	11
Georgia	N	-	5	2	1	3(a)	2	1	3(b)	17
Hawaii	A	10(a)	-	-	-	-	-	-	4(b)	14
Idaho	E	8(a)	(7)	-	-	-	-	-	(1)(b)	8

[11] Updated as of January 1, 1975, for commissions funded during 1974-75; notes for each state begin on page

[12] Numbers in parentheses show members of existing agency identified with particular categories.

Table 4
(cont'd)

MEMBERSHIP ON STATE COMMISSIONS ACCORDING TO CATEGORIES SPECIFIED IN SECTION 1202

State	Option Chosen	Membership								
		Existing Agency	General Public	Public Four-Year Inst.	Public Comm. & Jr. Coll.	Public Voc. & Tech. Inst.	Private Non-profit Inst.	Pro-prietary Inst.	Other	Total
Illinois	E	17(a)	10(b)	(4)	(1)	(1)(c)	-	-	(1)	17
Indiana	E	12(a)	-	-	-	-	-	-	-	12
Iowa	E	9(a)	(3)	(1)	-	(2)	(1)	-	(2)(b)	9
Kansas	N	-	-	-	-	-	-	-	(11)(a)	11
Kentucky	N	-	4	7	-	12	5	1	-	29
Louisiana	E	15(a)	(15)	-	-	-	-	-	-	15
Maine	A	8(a)	(8)	3(b)	-	-	2	1	2(c)	16
Maryland	E	13(a)	(8)	(2)	(1)	-	(1)	(1)	-	13
Massachusetts	A	7(a)	-	2	1	-	3	2	2(b)	17
Michigan	E	10(a)	-	-	-	-	-	-	-	10
Minnesota	E	11(a)	-	-	-	-	-	-	-	11
Mississippi	N	-	7	7	5	2	2	2	3(a)	28
Missouri	E	8(a)	-	-	-	-	-	-	-	8
Montana	E	10(a)	(7)(b)	-	-	(3)(c)	-	-	-	10

Table 4
(cont'd)

MEMBERSHIP OF STATE COMMISSIONS ACCORDING TO CATEGORIES SPECIFIED IN SECTION 1202

State	Option Chosen	Membership: Existing Agency	General Public	Public Four-Year Inst.	Public Comm. & Jr. Coll.	Public Voc. & Tech. Inst.	Private Non-profit Inst.	Pro-prietary Inst.	Other	Total
Nebraska	N	-	5	6	3	-	3	2	1[a]	20
Nevada	N	9[a]	(9)[b]	-	-	1	-	1	-	11
New Hampshire	N	-	4	2	-	1	7	-	7[a]	21
New Jersey	A	17[a]	(9)	(2)	(1)	1	(1)	1	1[b] 4[c]	20
New Mexico	E	13[a]	(11)	-	-	-	-	-	(2)	13
New York	E	15[a]	-	-	-	-	-	-	-	15
North Carolina[a]	-	-	-	-	-	-	-	-	-	-
North Dakota	A	10[a]	4	-	-	1[b]	-	1	1[c]	17
Ohio	E	9[a]	-	-	-	-	-	-	-	9
Oklahoma	E	9[a]	-	-	-	-	-	-	-	9
Oregon	E	11[a]	(4)	(1)	(1)	-	(1)	(1)	(3)	11
Pennsylvania	A	10[a]	(8)	1(1)	1	1[b]	3(1)	1	6[c]	23
Rhode Island	A	15[a]	(15)	-	-	-	3	1	-	19
South Carolina	A	17[a]	(9)[b]	(7)	(1)	1	1	1	-	20
South Dakota	N	-	7	1	-	1	1	1	2[a]	13

Table 4
(cont'd)

MEMBERSHIP OF STATE COMMISSIONS ACCORDING TO CATEGORIES SPECIFIED IN SECTION 1202

State	Option Chosen	Membership: Existing Agency	General Public	Public Four-Year Inst.	Public Comm. & Jr. Coll.	Public Voc. & Tech. Inst.	Private Non-profit Inst.	Pro-pri-etary Inst.	Other	Total
Tennessee[a]	-	-	-	-	-	-	-	-	-	-
Texas	N	-	4	1	1	1	1	1	8[a]	17
Utah	A	15[a]	-	-	-	1[b]	1	-	1[c]	18
Vermont	N	-	8[a]	4[b]	-	1	3	-	-	16
Virginia	E	11[a]	(11)	-	-	-	-	-	-	11
Washington	A	23[a]	(9)	(6)	(2)	3[b]	(2)	1	1[c] (4)	28
West Virginia	N	9[a]	-	-	-	3[b]	2	1	-	15
Wisconsin[a]	-	-	-	-	-	-	-	-	-	-
Wyoming	E	9[a]	(3)	(1)	(1)	(1)[b]	-	-	(3)[c]	9
American Samoa	N[a]	-	-	-	-	-	-	-	-	-
Guam	A	5[a]	-	-	-	1	1	1	-	8
Puerto Rico	A	9[a]	-	1[b]	-	-	6	-	-	16
Virgin Islands	N[a]	-	-	-	-	-	-	-	-	-

Source: (Same as Table 1)

NOTES FOR TABLE 4

Alabama	(a)	Also represents proprietary institutions
Alaska	(a)	Members not yet appointed. Representation specified by statute
	(b)	Department of Education and State Advisory Council on Vocational Education
	(c)	Two members of the legislature
Arizona	(a)	State Advisory Council on Vocational Education
Arkansas	(a)	State Board of Higher Education
	(b)	State Board of Education
California	(a)	One each from State Board of Education and State Advisory Council on Vocational Education
Colorado	(a)	No commission
Connecticut	(a)	Commission for Higher Education
	(b)	Commissioner of Education -- also represents public vocational schools
Delaware	(a)	State Superintendent of Public Instruction
D.C.	(a)	Two students plus one person each from D.C. government and D.C. public schools
Florida	(a)	State Planning Council for Post-High School Education
Georgia	(a)	Two from State Board of Education and one from State Advisory Council on Vocational Education
	(b)	One each from senate, house and State Scholarship Commission
Hawaii	(a)	Board of Regents
	(b)	To be designated
Idaho	(a)	State Board of Education
	(b)	State Superintendent of Public Instruction

Illinois	(a)	Board of Higher Education
	(b)	Includes trustee of private college
	(c)	State Superintendent of Public Instruction
Indiana	(a)	Commission for Higher Education
Iowa	(a)	Higher Education Facilities Commission
	(b)	One each from senate and house
Kansas	(a)	Five members of the senate and six members of the house
Louisiana	(a)	Board of Regents, successor agency to coordinating council for higher education
Maine	(a)	State Board of Education-- also representative of public vocational institutions.
	(b)	Chancellor and two members of Board of Trustees, University of Maine -- also representative of public community and junior colleges
	(c)	One student and one faculty member
Maryland	(a)	Council for Higher Education
Massachusetts	(a)	Board of Higher Education
	(b)	Students
Michigan	(a)	State Board of Education augmented by advisory body
Minnesota	(a)	Higher Education Coordinating Commission -- replaced state Post-Secondary Education Planning Commission -- augmented by advisory body
Mississippi	(a)	One each from governor's office, student association and State Building Commission
Missouri	(a)	Coordinating Board for Higher Education, successor agency to Commission on Higher Education

NOTES FOR TABLE 4
(cont'd)

Montana	(a)	Commission on Federal Higher Education Programs, including Board of Regents of Higher Education
	(b)	Board of Regents -- responsible for public four-year institutions and public community colleges
	(c)	Also representative of proprietary institutions
Nebraska	(a)	Student
Nevada	(a)	Board of Regents, University of Nevada System
	(b)	Also representative of public four-year institutions and public community and junior colleges
New Hampshire	(a)	Three students and four ex-officio
New Jersey	(a)	Board of Higher Education
	(b)	State Advisory Council on Vocational Education
	(c)	Includes Commissioner of Education, Commissioner of Higher Education and representatives of State Board for Vocational Education plus medical school
New Mexico	(a)	Board of Educational Finance -- includes two students as nonvoting members
New York	(a)	Regents of the University of the State of New York
North Carolina	(a)	No commission
North Dakota	(a)	Higher Education Facilities Commission, including Board of Higher Education
	(b)	State Board of Public School Education
	(c)	North Dakota Student Association
Ohio	(a)	Board of Regents -- augmented by permanent advisory body
Oklahoma	(a)	State Regents for Higher Education
Oregon	(a)	Educational Coordinating Council

NOTES FOR TABLE 4
(cont'd)

Pennsylvania	(a)	Council of Higher Education, State Board of Education, plus one member from Council of Basic Education, State Board of Education
	(b)	Member, State Advisory Council on Vocational Education
	(c)	Four faculty and two students
Rhode Island	(a)	Board of Regents for Education, including one vacancy
South Carolina	(a)	Commission on Higher Education
	(b)	Includes four persons also representative of private nonprofit institutions
South Dakota	(a)	One each from State Board of Education and Division of Cultural Affairs
Tennessee	(a)	No commission
Texas	(a)	Two from state legislature; one each from state coordinating board, state education agency, student population, State Advisory Council for Vocational-Technical Education, Texas Industrial Commission and Texas Employmen Commission
Utah	(a)	State Board of Regents
	(b)	State Board of Education
	(c)	State Manpower Planning Council
Vermont	(a)	Includes faculty member of private nonprofit institution, student at public four-year institution, director of State Advisory Council on Vocational Education and director of State o of Manpower Services
	(b)	Two members also representative of public community colleges and public technical institu
Virginia	(a)	State Council of Higher Education augmented by advisory body

NOTES FOR TABLE 4
(cont'd)

Washington	(a)	State Council on Higher Education
	(b)	Includes director of Council on Higher Education
	(c)	Superintendent of Public Instruction
West Virginia	(a)	Board of Regents
	(b)	Chairman of State Advisory Council on Vocational Education and two members of State Board of Education
Wisconsin	(a)	No commission
Wyoming	(a)	Higher Education Council
	(b)	State Superintendent of Public Instruction -- also representative of private nonprofit and proprietary institutions
	(c)	Includes governor, one senator and one representative
American Samoa	(a)	Details on representation not available at this time
Guam	(a)	Board of Regents
Puerto Rico	(a)	Council on Higher Education including Secretary of Education
	(b)	President, University of Puerto Rico -- public four-year and two-year institutions
Virgin Islands	(a)	Details on representation not available at this time

representation in each state that seemed to require attention. Executive officers in some states have indicated preferences for additional footnotes, but limited space makes it impossible to include all of them.

In general, this information leads to the same conclusions drawn from corresponding information previously published by ECS. First, representation on "new" commissions varies from state to state, with each type of institution in practically every state having at least one person who has been designated as being representative of its interests. Second, representation on "designated" bodies is generally viewed by governors of those states as being adequate in terms of legal requirements even though individual members could not always be identified with specific types of institutions. And third, new members on "augmented" bodies were generally designated for the express purpose of improving representation from the general public or specific types of institutions, particularly public vocational, private nonprofit and proprietary institutions.

E. PROGRAM NARRATIVE STATEMENTS

Every state commission that applied for grants under Section 1203 for 1974-75 was required to submit a "program narrative statement" that included six kinds of information about existing and proposed planning activities which were listed as follows in the Federal Register on April 11, 1974:

1. A description of the proposed activities and a statement as to their purpose and objectives;

2. A brief description of the current comprehensive planning activities for postsecondary education in the state, including a reference to any planning deficiencies that the proposal is intended to correct;

(3) A statement as to the nature of the expected coordination of the proposed activities with institutions and agencies in the state that are concerned with postsecondary education;

(4) A brief description of the methodology to be utilized in the proposed activities;

(5) A statement as to the intended use or implementation of the results to be produced by the proposed activities;

(6) A description of the anticipated benefits to postsecondary education within the state that will result from the project.

Three tables have been prepared to indicate the nature of the statements about proposed activities, expected coordination and anticipated benefits. This information has at least two limitations, however. First, categories used to classify information were drawn from wording in the statements and are therefore not subject to precise definition. Second, it seems likely that some of the statements would have been more complete if predetermined categories had been used in application forms.

Table 5 is an analysis of proposed activities for 1974-75. Eight headings have been used to classify activities mentioned in the various states. These are: (1) assessment of planning efforts or mechanisms, (2) development of cooperative relations, (3) development of comprehensive plans, (4) development or expansion of inventories, (5) development or expansion of data bases, (6) studies of educational needs, (7) studies of financial needs and (8) other studies or activities. Examination of Table 5 reveals that proposed activities call for assessment of planning efforts (past or present) in eight states, development of cooperative relations (conferences, seminars, etc.) in five states, development or expansion of comprehensive plans in six states, development or expansion of inventories in fifteen

Table 5

ANALYSIS OF PROPOSED ACTIVITIES FOR 1974-75

State	Assessment of Planning Efforts or Mechanisms	Development of Cooperative Relations	Development of Comprehensive Plans	Development or Expansion of Inventories	Development or Expansion of Data Bases	Studies of Education Needs	Studies of Financial Needs	Other Studies or Activities
Alabama	x	-	-	-	x	x	-	-
Alaska(13)	-	-	-	-	-	-	-	-
Arizona	-	-	-	x	--	-	-	-
Arkansas	-	-	-	x	-	-	x	x
California	-	-	-	-	x	-	-	-
Colorado(13)	-	-	-	--	-	-	-	-
Connecticut	-	-	-	x	-	x	x	x
Delaware	-	x	-	-	x	-	x	x
D. C.	-	-	-	x	x	-	-	-
Florida	x	x	-	x	x	-	-	x
Georgia	-	-	x	-	-	-	-	-
Hawaii	-	x	x	x	-	x	-	-
Idaho	-	-	-	-	x	x	x	-
Illinois	-	-	-	-	-	-	-	x
Indiana	-	-	x	-	x	-	-	x
Iowa	-	-	-	-	-	x	x	-
Kansas	x	-	-	x	x	-	-	-
Kentucky(13)	-	-	-	-	-	-	-	-
Louisiana	-	x	-	-	-	-	-	-
Maine	-	-	-	-	x	-	x	x
Maryland	x	-	-	-	-	-	-	-
Massachusetts	-	-	-	-	-	-	-	x
Michigan	-	-	-	x	-	-	-	-
Minnesota	x	-	-	-	-	-	-	x
Mississippi	-	-	-	-	-	-	-	x

Table 5 (Continued)

ANALYSIS OF PROPOSED ACTIVITIES FOR 1974-75

State	Assessment of Planning Efforts or Mechanisms	Development of Cooperative Relations	Development of Comprehensive Plans	Development or Expansion of Inventories	Development or Expansion of Data Bases	Studies of Education Needs	Studies of Financial Needs	Other Studies or Activities
Missouri	-	-	-	-	-	-	-	x
Montana	-	-	-	-	x	-	-	-
Nebraska	-	x	-	-	x	-	-	x
Nevada	-	-	x	-	-	-	-	-
New Hampshire	-	-	-	-	-	-	x	-
New Jersey	-	-	-	x	-	-	x	-
New Mexico	-	-	-	-	-	-	x	x
New York	-	-	-	x	-	-	-	-
North Carolina[13]	-	-	-	-	-	-	-	-
North Dakota	-	-	-	x	-	x	-	x
Ohio	-	-	-	x	-	x	-	-
Oklahoma	-	-	-	x	-	-	-	-
Oregon	-	-	x	-	-	-	-	-
Pennsylvania	-	-	-	-	-	-	-	x
Rhode Island	x	-	-	-	x	-	x	x
South Carolina	-	-	x	-	-	-	-	x
South Dakota	--	-	-	x	-	-	-	-
Tennessee[13]	-	-	-	-	-	-	-	-
Texas	x	-	-	-	-	-	-	x
Utah	-	-	-	-	-	-	-	x
Vermont	x	-	-	x	-	-	-	x
Virginia[13]	-	-	-	-	-	-	-	-
Washington	-	-	-	-	-	-	-	x
West Virginia	-	-	-	x	-	-	-	-
Wisconsin[13]	-	-	-	-	-	-	-	-
Wyoming	-	-	-	-	x	x	-	-
TOTAL	8	5	6	16	13	8	10	20

[13]No commission for funding during 1974-75.

states plus the District of Columbia, development or expansion of data bases in twelve states plus the District of Columbia, studies of education needs in eight states and studies of financial needs (student needs or institutional needs) in ten states. In addition, 20 states listed other types of studies or activities. More detailed information is shown in Appendix A for Chapter II (page 195).

Table 6 presents an analysis of statements related to expected coordination of proposed activities with institutions and agencies concerned with postsecondary education. Headings in this table are (1) representation on the commission, (2) relationships with state agencies, (3) relationships with institutions, (4) use of advisory bodies or task forces and (5) other.

As the totals indicate, 16 states referred to representation on the commission as a way of obtaining coordination with other agencies or institutions, 23 states referred to relationships of one kind or another that had been established or would be established with other state agencies, 25 states referred to similar relationships with institutions, 13 states referred to use of advisory bodies or task forces including representation from other agencies or institutions, and 6 states referred to other efforts of various kinds. Delaware, for example, stressed the use of a systematic planning design to achieve coordination. Florida indicated a need for input from elements of the noneducational public, Mississippi mentioned use of recommendations to achieve coordination, New Hampshire placed reliance on working with two committees appointed by the legislature and New York emphasized the authority of the Board of Regents with respect to the different

Table 6

ANALYSIS OF PROPOSED EFFORTS TO COORDINATE ACTIVITIES

State	Representation on the Commission	Relationships with State Agencies	Relationships with Institutions	Use of Advisory Bodies or Task Forces	Other
Alabama	x	-	x	-	-
Alaska (14)	-	-	-	-	-
Arizona	-	x	-	-	-
Arkansas	x	x	x	-	-
California	x	x	x	-	-
Colorado (14)	-	-	-	-	-
Connecticut	-	x	-	-	-
Delaware	-	-	x	-	x
D.C.	x	x	x	-	-
Florida	-	x	x	x	x
Georgia	x	x	-	-	-
Hawaii	-	x	x	-	-
Idaho	-	x	x	-	-
Illinois	x	-	-	-	-
Indiana	-	-	x	-	-
Iowa	-	x	x	-	-
Kansas	x	-	-	-	-
Kentucky (14)	-	-	-	-	-
Louisiana					
Maine	-	x	x	-	-
Maryland	x	x	x	-	-
Massachusetts	-	x	x	-	-
Michigan	-	-	-	x	-
Minnesota	x	x	x	-	-
Mississippi	-	-	-	-	x
Missouri	-	-	x	-	-
Montana	-	-	-	x	-
Nebraska	x	x	x	-	-
Nevada	-	x	x	-	-
New Hampshire	-	-	-	-	x

Table 6 (continued)

ANALYSIS OF PROPOSED EFFORTS TO COORDINATE ACTIVITIES

State	Representation on the Commission	Relationships with State Agencies	Relationships with Institutions	Use of Advisory Bodies or Task Forces	Other
New Jersey	x	-	-	x	-
New Mexico	-	x	x	-	-
New York	-	-	-	-	x
North Carolina (14)	-	-	-	-	-
North Dakota	-	x	x	x	-
Ohio	-	-	-	x	-
Oklahoma	-	-	x	-	x
Oregon	x	-	-	x	-
Pennsylvania	x	x	x	x	-
Rhode Island	x	-	x	x	-
South Carolina	-	x	x	x	-
South Dakota	-	-	-	x	-
Tennessee (14)	-	-	-	-	-
Texas	-	-	-	-	-
Utah	-	-	-	x	-
Vermont	-	-	-	-	-
Virginia (14)	-	-	-	-	-
Washington	x	x	x	x	-
West Virginia	x	x	x	-	-
Wisconsin (14)	-	-	-	-	-
Wyoming	-	x	-	-	-
TOTALS	16	23	25	13	6

[14] No commission for funding during 1974-75.

types of institutions. Oklahoma mentioned sharing of results as a basis for further coordination of efforts.

Table 7 shows anticipated benefits from proposed activities. Headings used for this purpose are: (1) better relationships, (2) better information, (3) improved planning, (4) improved coordination, (5) better programs, (6) increased access or choice, (7) better use of resources and (8) better methods of financing. Commissions in 9 states mentioned better relationships, in 6 states better information, in 19 states improved planning, in 12 states improved coordination, in 12 states better education programs, in 9 states increased access or choice, in 19 states better use of resources and the commission in one state mentioned a better method of financing.

In spite of the fact that the information in Tables 5, 6 and 7 has certain limitations, it does provide a general view of proposed (pages 96, 99, 104) activities, expected efforts related to coordination and anticipated benefits. It also may be helpful in identifying needs for definitions and categories in future studies.

F. PROVISIONS FOR COORDINATION

In a memorandum dated September 6, 1974, executive officers of all state commissions were asked to provide information about provisions under Section 1203 for coordination of postsecondary planning with vocational education and manpower planning. A reminder was included in another memorandum mailed on January 8, 1975. Responses received from practically

every state, the District of Columbia and Puerto Rico indicated a wide range of activities related to coordination of comprehensive statewide planning with vocational education and manpower planning. Some state commissions are making determined efforts to accomplish this objective, while others are apparently doing very little. Details are shown in Appendix B, Chapter II, page 203).

Reasons for limited action in some states have not been determined, but lack of funding for Title X is undoubtedly one factor. Funding would have required the establishment of certain relationships, not specifically required by Section 1203 among people involved in the different types of planning.

G. CONCLUSIONS

This chapter on how states have proceeded in establishing 1202 commissions leads to the following conclusions:

1. All eligible territories and 46 states have established 1202 commissions for funding during 1975-76.
2. Most of the 46 states chose the option of: (a) designating an existing state agency or commission or (b) augmenting an existing state agency or commission.
3. Most of the state agencies or commissions that were designated or augmented were created originally as coordinating or governing bodies for public institutions of higher education.
4. Proposed activities for 1974-75 included assessment of planning efforts, development of cooperative relations, development of

comprehensive plans, development of expansion of inventories, development or expansion of data bases, studies of education needs and studies of financial needs.

5. Proposed efforts to coordinate activities of 1202 commissions with those of other state agencies and institutions included representation on the state commissions, development of relationships with state agencies, development of relationships with institutions and use of advisory bodies or task forces.
6. Anticipated benefits from activities during 1974-75 included better relationships, better information, improved planning, improved coordination, better programs, increased access or choice, better use of resources and better methods of financing.
7. Efforts to coordinate comprehensive statewide planning under Section 1203 with vocational education and manpower planning vary from state to state, with substantial progress in some states and little or no progress in others.

Table 7

ANALYSIS OF ANTICIPATED BENEFITS

State	Better Relationships	Better Information	Improved Planning	Improved Coordination	Better Programs	Increased Access or Choice	Better Use of Resources	Better Methods of Financing
Alabama	x	-	x	-	-	-	-	-
Alaska (14)	-	-	-	-	-	-	-	-
Arizona	-	-	-	-	-	-	-	-
Arkansas	-	x	-	-	x	-	-	-
California	-	x	x	-	-	-	x	-
Colorado (14)	-	-	-	-	-	-	-	-
Connecticut	-	-	x	x	-	x	-	-
Delaware	-	x	x	-	x	-	-	-
D.C.	x	-	x	-	x	-	x	-
Florida	x	-	-	-	-	-	x	-
Georgia	-	-	-	-	x	x	-	-
Hawaii	-	-	x	-	-	x	x	-
Idaho	-	x	-	-	-	-	-	-
Illinois	-	-	-	-	-	-	-	x
Indiana	-	-	-	x	x	-	-	-
Iowa	-	-	-	-	-	-	x	-
Kansas	-	x	x	x	-	-	x	-
Kentucky (14)	-	-	-	-	-	-	-	-
Louisiana	-	-	-	-	-	-	-	-
Maine	-	-	-	-	-	-	-	-
Maryland	-	-	x	-	-	-	-	-
Massachusetts	-	-	-	-	-	-	-	-
Michigan	-	-	-	x	-	-	-	-
Minnesota	-	-	-	-	-	-	x	-
Mississippi	-	-	x	x	-	-	-	-
Missouri	-	-	-	-	-	-	x	-
Montana	x	-	-	x	x	-	-	-
Nebraska	x	-	x	x	-	-	-	-
Nevada	-	-	x	-	-	-	-	-
New Hampshire	-	-	-	-	-	x	-	-

Table 7 (continued)

ANALYSIS OF ANTICIPATED BENEFITS

State	Better Relationships	Better Information	Improved Planning	Improved Coordination	Better Programs	Increased Access or Choice	Better Use of Resources	Better Methods of Financing
New Jersey	-	-	-	-	x	x	x	-
New Mexico	-	-	-	-	x	x	x	-
New York	-	-	x	-	-	-	-	-
North Carolina[14]	-	-	-	-	-	-	-	-
North Dakota	-	-	-	-	-	-	-	-
Ohio	x	-	-	-	x	-	-	-
Oklahoma	-	-	x	-	-	-	x	-
Oregon	-	-	x	x	-	-	-	-
Pennsylvania	x	-	x	-	x	x	x	-
Rhode Island	-	-	-	-	-	x	x	-
South Carolina	-	-	x	x	-	-	x	-
South Dakota	x	-	-	-	x	-	x	-
Tennessee[14]	-	-	-	-	-	-	-	-
Texas	-	-	x	x	-	-	-	-
Utah	-	-	-	-	-	-	x	-
Vermont	x	-	x	x	-	-	-	-
Virginia[14]	-	-	-	-	-	-	-	-
Washington	-	-	-	-	x	-	x	-
West Virginia	-	-	-	-	-	-	x	-
Wisconsin[14]	-	-	-	-	-	-	-	-
Wyoming	-	-	x	x	-	x	x	-
TOTALS	9	5	19	12	12	9	19	1

[14]No commissions for funding during 1974-75.

III. State Postsecondary Education Commissions in Context: Problems, Issues and Accomplishments

A. THE CONTEXT OF STATEWIDE PLANNING

In evaluating the impact of Sections 1202 and 1203 of the Education Amendments of 1972 upon the states it is important to recognize that statewide planning for postsecondary education and its segments was in no sense the invention of the Amendments. Nor was development of statewide agencies with planning responsibilities for major segments or all of postsecondary education something initiated by the Act. As the legislative history makes clear, the concept of federal reinforcement, recognition and encouragement of statewide planning was not an afterthought based primarily upon community college and occupational education concerns of the Act even though the various planning concerns including community colleges and occupational education converged in the Conference Committee discussions and the final version of the Act. Rather, what seems evident in retrospect was a Congressional concern that planning for segments, that is, community colleges and occupational education, take place in the wider context of planning for postsecondary education by the appropriate state agency engaged in broader planning for postsecondary education as a whole and not the reverse.

Federal requirements for statewide planning in relation to funding of particular categorical programs were not new. The Higher Education Facilities Act (HEFA) of 1963 called for planning for facilities and in areas related to facilities. Title I of the Higher Education Act (HEA)

of 1965 called for planning in relation to continuing education and community service. The Vocational Education Act of 1963 and as amended in 1968 required specialized planning for postsecondary vocational education as integral to statewide planning for vocational education as a whole. In a number of states planning for Titles I, VI and VII had been placed with the state higher education agency earlier.

But quite apart from federal incentives, most of the states (47) had developed state higher education agencies with coordinating or governing responsibilities at least for major segments of public postsecondary education, and in almost every case with some explicit responsibility for statewide planning. While some of these agencies (16) were established prior to 1960 and one with responsibility for the full range of post-secondary education -- public, private and proprietary -- goes back to colonial times (New York Board of Regents), the majority of these state agencies were created during the 1960s to deal with problems of expansion. In many instances the enabling legislation charged them with providing for the "orderly growth of public higher education" in the state. These agencies varied considerably in power and in scope.

In 1970, 19 were governing boards and 28 were coordinating agencies. Two states with coordinating agencies changed to consolidated governing boards in the early 1970s. In some cases (usually states with governing boards) their primary responsibility extended only to senior public institutions. In others (the majority) it included the full range of public postsecondary institutions, frequently, however, with the exception of postsecondary

vocational schools which were under bureaus of vocational education in state departments of education. While few of these state agencies had direct responsibility for private institutions, many of them either were charged or proceeded on their own initiative to include information about private institutions in the planning process. In fact a number of these, including New York, Illinois and Massachusetts, either initiated or took part in major studies of the needs and problems of higher education. By the early seventies not only were most state agencies engaged in state-wide planning for postsecondary education but the states were spending in excess of $15 million dollars a year for this purpose.

The initial thrust leading to what was to become Sections 1202 and 1203 came from these state agencies and was based on the premise that the federal government should not only recognize and reinforce what the states were doing in planning but that federal programs should take cognizance of and utilize the planning operations and capacities already in operation in the states. It further was based on the recognition that states are the largest single source of funding of postsecondary education and that if the postsecondary education needs of the states and the nation were to be met it should be accomplished through an effective federal-state-institutional partnership.

It seems clear that this was central to the original inclusion of Section 1202 in the Senate version and Title XVII in the House version. In neither case were the sections in question linked to other categorical programs. The Senate version did call for consolidation of planning for facilities under the 1202 agency and the House version called for planning

for community postsecondary education centers, but the primary function of the designated agencies, other than these provisions, was to reinforce statewide planning. The genius of the Conference Committee lay in its recognition that planning for segments of postsecondary education such as community colleges and occupational education cannot and should not occur in a vacuum, that it should be integrally related to planning for postsecondary education as a whole within a state and that such planning should be sufficiently inclusive to include private and proprietary as well as public higher education.

The states were, in other words, already engaged in statewide planning for public higher education before the Education Amendments of 1972 came along. Given the changing conditions of the late 1960s and early 1970s, a number of states were broadening the scope of such planning to include consideration of private higher education in the planning process. In more than half of the states, the state agency had direct responsibility for planning for community colleges as an integral part of public higher education. In addition, in a number of states at least the issue of the relation of planning for vocational education other than that in community colleges had been raised in connection with the Education Amendments of 1968. However, the restrictive provisions of the sole state agency clause in the 1968 Amendments had generally tended to inhibit as active an involvement of the state higher education agencies in noncommunity college postsecondary vocational education as might otherwise have been the case. In a few states the higher education agency had a dual planning relation for vocational education with the state board of education as in Colorado and Texas. Even the issues in proprietary education had not been wholly

overlooked. State boards in New York and Massachusetts had under consideration authorization of proprietary institutions to grant degrees and a number of states had created their own regulatory agencies for authorizing the operation of proprietary schools.

The states thus were engaged in planning, were increasing the scope of institutions covered by such planning and were beginning progressively to deal with and face the wider issues of postsecondary education as state responsibilities. Again, the original basis in both House and Senate versions of what was to become the Education Amendments of 1972 was not to dictate new state structures nor for the federal government to take over responsibilities that belong to the states, but to recognize and reinforce what the states were doing and to coordinate the state planning process with national purposes.

B. THE CHANGING FOCUS

Recognizing the already existing role of comprehensive statewide planning and the initial Congressional concern with reinforcing it, it nevertheless is true that the Education Amendments of 1972 did bring about a change in focus and acceleration of a process already underway. In terms of focus the Act underlined federal concern with the following:

1. Recognition and inclusion within the planning process of the range of postsecondary education -- public, private and proprietary, including colleges and universities, community colleges, technical institutes and area vocational schools. It thus encouraged the states to broaden the planning process.
2. Involvement in the planning process of persons knowledgeable

about or representative of the types of institutions planned for.

3. Recognition that planning for any one segment of postsecondary education should be integrally related to planning for postsecondary education as a whole.
4. Specifically, assuming activation of Title XA, recognition that the responsibility for planning for community colleges should rest with an agency responsible for planning for postsecondary education as a whole with the help of a community college advisory committee.
5. Again, specifically, assuming activation of Title XB, recognition that responsibility for planning for postsecondary vocational education should rest with an agency responsible for planning for postsecondary education as a whole in consultation with various elements in the vocational, manpower and related fields and with state advisory councils on vocational education.
6. Suggestion to the states that the following factors are among those that should be taken into account in their comprehensive and general planning functions: comprehensive inventories of all public and private postsecondary educational resources in the state; how such resources can be better coordinated, improved, expanded or altered so that all persons who desire and can benefit from postsecondary education might have an opportunity to do so.
7. Encouragement of the states to consolidate agencies with postsecondary education planning functions under other federal acts and titles but without mandating that they do so.

8. Recognition of the principle of lay responsibility in the planning process by calling for representatives of the general public not only on the state postsecondary commissions but all committees and advisory groups except Section 1055a -- the administrative agency for vocational funding.

That designation or development of state postsecondary commissions for planning purposes partially harmonized with developments already taking place in the states is, at least in part, indicated by the fact that prior to any funding, guideline development or official acts by the U.S. Office of Education, 17 states took the initiative through executive or legislative action to designate existing commissions, augment existing commissions or create new commissions. Even more to the point although neither Title XA or Title XB was funded and the amount that finally became available under Section 1203 was miniscule for each state, when the commissioner's letter was sent to the governors, 43 states, the District of Columbia and 3 territories responded by designating or augmenting existing agencies or creating new ones. Since that time, three additional states and one territory have also added commissions. Given the Administration's explicit announcement of intent not to fund either Section 1203 or Title X, and Congressional concerns with holding or reducing the federal budget in 1973 and 1974, it is hardly conceivable that the primary motivation to establishing commissions was receipt of federal funds alone.

To the contrary, the reaction of the states in implementation of Sections 1202 and 1203 should be seen as a move impacting upon, contributing to or reinforcing a process of change already underway. From this standpoint,

while it is undoubtedly the case that states and agencies hope for more adequate funding in the future -- if not of Title X, at least of Section 1203 -- it was the opportunity presented through the 1202 commissions to review resources, structures and means of encouraging a more comprehensive approach to dealing with the broadened postsecondary problems, faced by all states, that led to such wide involvement and state action.

C. CONTINUITY OF DEVELOPMENT

Retracing the legislative and implementation history of the postsecondary commissions does indicate the continuity of development that, while it was challenged at times, on the whole prevailed through to state implementation. This is particularly true if one looks at the substantive basis for the commissions: reinforcement and extension of statewide planning to include a wider range of concerns within the planning process, and at the same time providing the states with flexibility to build upon existing experiences and structures in the process. The final decision of the U.S. Commissioner of Education, following the recommendation by Congressman O'Hara to leave the creation, designation or augmentation of commissions to the states and their governors and to indicate how the commissions complied with the basic provisions of the law, is integral to this continuity.

The wide utilization by the states of existing or augmented commissions fits into the same pattern and primarily involved broadening the charge and perspective of the agencies in question. Thirty-two states designated or augmented existing agencies. Of these 32 states and territories,

one (Iowa) utilized its facilities commission rather than its board of regents, another (Maine) utilized its board of education (which also serves as the facilities commission) and a third (Massachusetts) while utilizing its board of higher education staffed it not by the chancellor and his staff, but by the secretary of education. The other 29 states utilized the existing agency primarily charged with responsibility for planning and coordination or governance of higher or postsecondary education in the state. In most cases the designation did require expanding the scope of concern from public higher education to the range of postsecondary education.

The 19 states purportedly creating new agencies fall into different groups. Two of these, Nevada and West Virginia, included all of the members, as well as the staff, of the boards of regents in the two states in their postsecondary commissions. While the regents could not be augmented as regents, they constitute the basic commission and thus are in effect augmented agencies rather than wholly new agencies. Four of the agencies, California, District of Columbia, New Hampshire and South Dakota, were new but were created as a result of state reorganization as planning and coordinating agencies for these states by legislative action prior to activation of Section 1202. In this sense they are newly existing agencies which among other things fulfilled the 1202 conditions. Three states, Delaware, Vermont and Nebraska had no statewide higher education agencies. In two of these, Nebraska and Vermont, the commissions were appointed on an interim basis to develop plans for coordination and planning within their respective states -- a plan for permanent structures.

In four of the states that created new boards, the existing boards were segmental governing boards for the senior public institutions in the state only. In one of these, Kansas, the created 1202 commission was a legislative committee already investigating a possible comprehensive planning and coordinating structure for postsecondary education in the state and with its new designation had continued this operation. Only in three states were existing coordinating boards not designated, augmented or included in the 1202 structure. In one of these, Texas, the former governor designated the coordinating board the 1202 agency but his successor changed the designation and set up a new interim state postsecondary commission charged with reviewing the planning and coordinating structure in the state. This was due to a large extent to the peculiar dual and divided responsibility in Texas for occupational education in community colleges between the Texas Education Agency (elementary-secondary) on the one hand and the Coordinating Board, Texas College and University System on the other. Except in occupational education, community college activities fall under the coordinating board and even in occupational education the board must approve programs. The interim commission was given a year's life and charged with recommending resolution of such structural problems.

Looked at with these qualifications, not including states without agencies to begin with (3) and states where the commissions are interim review boards charged with recommending revisions in structure (2), only 9 states created wholly new postsecondary commissions where there were already existing state higher education coordinating or governing boards responsible for some major segment of postsecondary education. Only two of these are

states with coordinating boards (Kentucky and Alabama). The other seven are states with governing boards which with two exceptions are responsible for senior public institutions only. By the nature of the case, it is politically, operationally and conceptually far more difficult to expand the planning scope of a board charged primarily with the governance of a particular segment of public institutions to encompass the range of post-secondary education than it is to broaden the scope of a coordinating agency. Granted this, it can be concluded that by far the majority of the states did attempt to utilize experience to date and preserve continuity in the broadened planning perspective. This is essentially in harmony with the origin and development of the postsecondary commission legislation in both Senate and House versions and with the Conference Report in its recognition that planning for any segment of postsecondary education should be integral to the planning in the states for postsecondary education as a whole.

It is true, however, that such continuity was not attained without problems in some states, some of which have not been fully resolved. This is particularly the case if a strict interpretation is accepted of the concept of representation as meaning a professional or practitioner in the various categories suggested in the Act. Such interpretation, however, does run contrary to evolving experience and resulting law, even constitutional provisions in some cases, within the states. State after state has discovered that a representative board not only in higher education but in other fields, if representation means professional or practitioner involvement, too easily becomes not a deliberating board but an arena for confrontation. As a result a number of states have by practice, law

or constitutional provision required that boards be lay in character, but have used advisory structures to such lay boards to insure the practitioner's point of view. It is one thing to require representation in the sense of persons knowledgeable about and interested in the types of institutions in question. It is a very different thing to require specific professionals or practitioners from the types of institutions as representatives.

Most states have met the spirit of the law in the first sense and some states with augmented boards have gone through augmentation in order to do so. Not all of the states by any means have met requirements of representation in the strict sense. But the basic question for the states becomes how can the substantive intent of the law be most effectively met. From this standpoint the states have opted on the whole for continuity and experience in contrast to a formalistic interpretation of representativeness. This is rather clearly underlined in the letters to the commissioner from the governors.

D. PROBLEMS AND ISSUES

At the time this report is being written, the first anniversary of the U.S. Commissioner of Education's letter to the states has just passed. After the date of the letter the states were given until April 25, 1974 to answer, although some late answers were accepted. Except for those commissions designated or created by law prior to the commissioner's letter (and these had no funds or charge under Section 1203), the postsecondary commissions have been in existence for less than a year. Any detailed evaluation of how effective they have been and the progress they have

made would at this point be both specious and premature. The remarkable part of it is that even with minimal funding and no guidelines, a total of 51 states and territories established commissions. While there has been some shifting as in Minnesota from a new agency to the coordinating commission, no state or territory has abandoned the postsecondary education commission concept or designation.

Accordingly, rather than attempt any sort of evaluation in the strict sense, it is more to the point to note some of the problems and issues that face the state postsecondary education commissions in their development.

1. One of the critical issues in developing state commissions was exactly the question of how strictly and in what manner "representative of" should be taken. As noted above, states have interpreted it differently and this difference of interpretation has made it possible for as many states as have done so to respond. At the same time, the very raising of this issue in some cases led not to better communication and complementation among the segments but to contention, problems of turfdom and in a few instances continued lack of cooperation even with the establishment of the commission. It is true that if first line participation (that is, direct) is used as the key to representation, a number of states would not meet the representation requirement, but if knowledgeable about and interested in is used as the key, most states have made real efforts to be representative. The strict interpretation would undoubtedly have led to a lower participation rate, greater

duplication of agencies and loss of continuity in planning efforts. In some states the issue still is not fully resolved.

It should be kept in mind, however, that apart from the "broadly representative" provisions in the Higher Education Facilities Act, which were interpreted as being satisfied by advisory committees, neither the Higher Education Act nor the Vocational Education Act of 1963 called for specific representation of state agencies in contrast to advisory committees or councils. It should also be noted that the Intergovernmental Relations Act of 1968 (U.S. Code No. 4214) provides that the head of a federal agency may "upon request of the Governor... waive the single state agency or multimember board or commission provision upon adequate showing that such provision prevents the establishment of the most effective and efficient organizational arrangements within State government." Most of the governors would appear to have attempted to meet the spirit or substance of the law to the extent this was feasible in the light of the structures within the various states.

2. In terms of fulfillment of functions again, it is too early to assess the end results. However, that the establishment of the 1202 commissions has on the whole far more clearly refocused attention on the need for expanding statewide planning to take into account wider ranges of postsecondary education in comprehensive planning, to work more closely with the private and proprietary sectors and to increase awareness and concern with

and about vocational and occupational education would seem clear. Some states have made more progress than others. Given the minimal federal funding, unless states were already funding broad comprehensive planning, or did so over and above the federal funds, the amount available simply was not enough to enable any state to expand its planning operations to any great extent.

If the proposed activities of the states under Section 1203 (see Appendix A, Chapter II, page 195) are reviewed, they vary in scope and direction within the general framework of the suggestions in the section from those that could be done within the small funds available to those that obviously require a rather large amount of state funding reinforcement. With minimum funds under Section 1203, the lack of any funding under Titles XA and B and the consistent and continued position of the Administration that none of the three should be funded and its refusal to request funds, the net effect of the state commissions has not only not been what it could be with funding, but the current effect has been diminished in a few states because of discouragement reflecting another federal promise that has not been fulfilled or fulfilled minimally.

In spite of this, the 1202 commission issue has reinforced state concern with the range of postsecondary education, has led in some states to far more active involvement of state postsecondary higher education agencies and commissions with

vocational and occupational education, has encouraged fuller involvement of private higher education in the discussion and in the planning process and has in some states for the first time led to serious consideration of proprietary education as a part of the total educational resources. In the state of Nebraska the operation of the interim 1202 commission has produced a plan for statewide coordination which has received the endorsement of the governor and will go to the legislature this session.

3. While the states have made progress in coordination of post-secondary planning with statewide vocational planning and manpower planning, nevertheless this has not been as widespread and effective as might be desired. A number of factors have militated against more rapid progress in this area. The first as already noted is that there has been no funding of Title XB, the area in which such coordination becomes particularly critical. The only part funded was Section 1203 and there is no suggestion or mandate in the section relating specifically to vocational planning or manpower planning except by interpretation in planning for coordination of postsecondary education resources.

   Again with the low level of federal funding, there was little help to make such coordination possible.

   It also must be admitted that in a few cases the urging from some elements in the vocational education community that wholly

new boards be set up regardless of the continuity of planning, or that agencies with clearly delineated review purposes be made the commissions, initially tended to close rather than open doors.

From the opposite direction some elements within the traditional higher education community not only do not recognize that they are part of the postsecondary world but still resist the suggestion that what happens in proprietary or vocational education has any impact on them at all. At times some of the postsecondary commissions have been caught in between. The problems of turfdom, in other words, while in many cases meliorated, are still with us. In spite of this, the very existence of the 1202 commissions has at least created a heightened awareness of the relevance of vocational and manpower planning to planning for any segment of postsecondary education and for postsecondary education as a whole and a number of states have made considerable progress in opening lines of communication.

4. One of the permissive, but not mandatory, features of Section 1202 was the consolidation of state agencies set up under other federal requirements of the Higher Education Act of 1965 into the state commissions. The legislative intent was undoubtedly to enable states to reduce the number of state agencies responsible for federal programs and to incorporate the work and planning responsibilities of these agencies into the statewide planning effort. A number of states had already consolidated such agencies.

To a considerable extent, whether such consolidation had occurred prior to the Education Amendments of 1972 depended on the historical accident of whether the state coordinating agency had been created first or whether the state agency dealing with federal funds -- for instance, the higher education facilities commission -- had come first. In a number of the former cases, where state coordinating agencies had come first, the new assignments were either given to the coordinating agency with appropriate advisory committees or were placed under its jurisdiction. In the latter cases, where the federally related agency came first, most of these agencies remained independent. While there has been some additional consolidation as a result of Section 1202, when those that had been previously consolidated are taken into account, the state response to the opportunity to consolidate was not as widespread as might be expected. Twenty states including those where the agencies had never been separated indicated consolidation of all three. Seven additional states indicated consolidation of at least two of these. Seventeen states indicated no consolidation.

The question might be asked as to why the states response to the opportunity to consolidate state agencies was not greater. A clear answer is not possible but it would appear to involve a couple of factors. The first clue perhaps lies in the fact that the consolidation rate was lowest among "new" commissions. This may reflect some hesitancy to assign these functions to a new agency until it was clear that the agency would continue.

Another partial answer may lie in a reluctance to consolidate or eliminate existing agencies particularly where the existing agencies appear to be fulfilling their functions. If federal support for postsecondary education commissions continues, and if they are utilized as a major channel for accomplishing an effective state-federal partnership in postsecondary education, the probability that the remaining agencies at the state level handling federal programs will be consolidated with the commissions may well increase.

5. Among the unresolved problems relating to the state commissions is the question of what the role of the U.S. Office of Education (USOE) is or should be in relation to them. It has already been indicated that the decision of USOE not to issue guidelines and to give the states maximum flexibility in the light of the law was essentially in harmony with what appears to be Congressional intent in the light of the history of the Act and did enable many states to help insure the continuity of the planning effort. The precipitousness of the decision when it finally came and the short time for state response did cause problems in some states and has required some readjustment. More readjustment may be necessary in the future. There is, however, still some uncertainty as to what the role of the commissioner and USOE should be. To what extent, if any, should the commissioner, through patterns of fund distribution (assuming continued funding), influence the direction of state planning? To what extent, if any, should he evaluate the results and readjust funding in the light of such

evaluation? To what extent is or should the commissioner be concerned with structure and representation? The law does provide that the commissioner shall "make technical assistance available to state commissions" (Section 1203(b)). To date this has not been done. If substantial assistance were to be forthcoming what form or kind of technical assistance should be made available?

Again, while granting that timing factors did cause problems in some states, the decision of USOE not to develop detailed guidelines and to allow the states maximum flexibility to establish commissions and to utilize the funds to reinforce statewide planning was in harmony with the intent of the law. The law itself does not call for the commissioner's review. If the program continues, and particularly if the commissions are utilized as the focal point for state-federal interaction through addition of other programs and activities, the relations and responsibilities of the commissioner to the commissions and vice versa will need more careful development than has taken place to date. Current discussions of the possibility of relating the commissions more directly to federal and state student-aid programs, at least in the planning phase, and to revision in the Vocational Education Act of 1963, were they to materialize, underline the importance of some clarification in this area. There is little question that some states, particularly those with new agencies, could use technical assistance. Discussions of the kinds and forms of such assistance, including

the relation of such assistance under Section 1203 to assistance under revisions in the National Center for Education Statistics in the Education Amendments of 1974, should be undertaken in the immediate future.

6. One of the continuing complicating factors has been and is the Administration's position in relation to state commissions -- including the earlier refusal to allow the release of guidelines or to recommend funding on the grounds that it would create expectations of funding of other programs, and more recently the refusal to recommend additional funding on the grounds that comprehensive planning is a state function and the federal government should not interfere -- has not only created uncertainty about the future of the program at the state level but raised real questions about the seriousness of the Administration in attempting to develop a state-federal partnership in postsecondary education. That this has slowed down both progress and enthusiasm in some states would be hard to deny. While the Administration's concern about expanded funding, particularly of Title X, may be understandable it is hardly in conformity with the law or with the Administration's expressed concern for a closer relation between postsecondary education and the world of work. No one would deny that planning for postsecondary education is a state responsibility and certainly the major funding for such planning has come and is coming from the states. To assume that the function of Sections 1202 and 1203 was to put the federal government into the business of statewide planning would be not only

a misinterpretation of the law, but a misreading of legislative history and intent. The function is recognition of the state role and reinforcement of it, not the reverse. Until, however, this Administration position is modified or changed, it will continue to have a negative effect on what could be a major channel of state-federal cooperation.

E. CONCLUDING REMARKS

The states to a greater or lesser degree have been and are engaged in statewide planning for postsecondary education and will continue to be so whether or not from the standpoint of the federal government the 1202 commission experiment is dropped, continued or strengthened. In reviewing the legislative history, federal implementation and state response, it would appear that in spite of minimum funding for the commissions, no funding for Title X, Administration opposition and initial negative reaction and concern from some segments of the academic community, the program has already had a rather remarkable impact and is likely to continue to do so.

This is not to say that major progress in comprehensive planning for postsecondary education has been made in all states as a result of establishing state postsecondary commissions and the federal funding involved to date. In fact, looked at on a state-by-state basis, the results during the first nine months, as might be expected, are uneven and in some states there is a disenchantment to a large extent based on the federal funding situation. And yet looked at even in the short run and in spite of the funding picture, the results tend to be highly

positive particularly if one looks at the substantive aspects of the legislation and the further evolution in state agency concerns. Some of these positive results can be listed:

1. From the standpoint of Congress itself, this does represent the first time Congress has become clearly aware of the importance of comprehensive planning for postsecondary education as a whole, that it is a state responsibility, that Congress ought not to prescribe state plans in particular areas without taking the total context of planning into account and that the federal government should reinforce but not dictate state efforts. This led in the Education Amendments of 1972 to a far more balanced context at least for some categorical programs, a trend that hopefully will be carried forward in future legislation.
2. The positive response of the states surprised a good many people. This fits into the growing awareness on the part of the states of the need to consider the range of postsecondary resources both in state planning and in use and allocation of resources. The Act in other words fitted into directions in which the states were beginning to move but accelerated the awareness, in some cases broadened it, and opened up new lines of communication.
3. In the early implementation phase at the U.S. Office of Education, a new pattern of involvement of the various communities to be affected by the legislation was developed, one of openness and participation. Even though guidelines were never issued, this procedure of involvement had three highly important results:

a. It was a much needed movement towards development of realistic guidelines adaptable to the variety of conditions of those to whom they would apply in achieving federal objectives;

b. It opened up lines of communication on the national level among organizations and agencies representing those affected to deal with issues of common concern whether or not it led to mutual understanding; and

c. It led to comparable discussions among groups and agencies on the state level which, while not always harmonious, helped to identify what the critical issues were before official state or federal action.

4. The process of developing the 1202 commissions accentuated the gap that had developed in a good many states between the higher education community and the vocational education community. Although it has not uniformly led to resolution of the issues and closing of the gap, it has in most states at least led to greater communication and in some states to positive movements to work more closely together.

5. Development and activities of the commissions have tended to promote greater involvement of the private sector of higher education in the planning activities and in the identification of common issues and problems within many of the states.

6. Establishing the commissions has called for review and in some cases reevaluation of existing structures for planning and coordination within states and in some instances has led to recommendations for their modifications.

7. The development of the commissions has led states to look much more closely at proprietary education as a phenomenon within the states and, more positively, as an important resource in postsecondary education that should not be overlooked.
8. It has enabled those states without any statewide structure for postsecondary education planning to develop such structures or to undertake the studies that would lead to such structures.
9. Sections 1202 and 1203 have reinforced the recognition at the state level that planning for any one segment of postsecondary education, whether it be graduate education or the education of auto mechanics, cannot take place in a vacuum but must be related to total education goals and planning for postsecondary education as a whole.
10. The development of the commissions has helped create a mechanism which could be used for insuring a more effective state-federal interface to develop the kind of federal-state partnership which insures complementation of state and national interests.
11. Perhaps the most striking and least tangible, the Education Amendments of 1972 and the 1202 commissions in particular have literally changed the map of postsecondary education to the extent that in the states and in the nation, postsecondary education can no longer be considered as made up of institutions of higher education in the traditional sense alone, as important as these are. Some within the higher education community have regretted this for it is a less comfortable world. Some within the vocational education community have also regretted it for it has meant that occupational

and vocational education on the postsecondary level can no longer be the exclusive preserve of bureaus of vocational education under elementary-secondary education.

The overall impact has been highly salutary for more and more people in the education as well as political communities in every state are beginning to recognize that our basic concern should be with providing the range of diverse educational opportunities for students commensurate with their needs, abilities and interests and that this takes precedence over the unique concerns of any one group or type of institutions.

In spite of the problems, the total impact to date of the 1202 commissions has been highly positive. Our concern is that the critical impetus not be lost so that we can in fact move further towards the kind of state-federal-institution partnership which will assure adequate and diverse postsecondary educational opportunity to all citizens of the nation who desire it and can benefit from it.

APPENDIXES

APPENDIX: CHAPTER I

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A. Compilation of Laws Related to Section 1202

STATE POSTSECONDARY EDUCATION COMMISSIONS

MONDAY, APRIL 9, 1973

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE ON EDUCATION
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to call, in room 2261 of the Rayburn Office Building. Hon. James G. O'Hara (chairman of the subcommittee) presiding.

Present: Representatives O'Hara. Quie, Lehman, Dellenback, and Huber.

Staff members present: Jim Harrison. staff director: Elnora Teets, subcommittee clerk; William Gaul. full committee associate counsel; and Robert Andringa. minority staff director.

Mr. O'HARA. The Special Subcommittee on Education of the House Committee on Education and Labor will be in order.

Today we are beginning hearings on the administration's policy toward section 1202 of the Higher Education Act, as amended, and the implications of that policy for title X and other related provisions of the Higher Education Act. Last summer, as a part of the Education Amendments of 1972, section 1202 and title X became law. The staff is directed to see that the text of title XII. title X, and of the other provisions of law referred to or closely connected with them, be printed as part of the hearing record.

[Materials referred to follow:]

COMPILATION, PROVISIONS OF LAW RELATING TO SECTION 1202

A. PROVISIONS OF THE HIGHER EDUCATION ACT OF 1965, AS AMENDED. TITLE XII—GENERAL PROVISIONS

STATE POSTSECONDARY EDUCATION COMMISSIONS

SEC. 1202. (a) Any State which desires to receive assistance under section 1203 or title X shall establish a State Commission or designate an existing State agency or State Commission (to be known as the State Commission) which is broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education in the State including community colleges (as defined in title X), junior colleges, postsecondary vocational schools, area vocational schools, technical institutes, four-year institutions of higher education and branches thereof.

(b) Such State Commission may establish committees or task forces, not necessarily consisting of Commission members, and utilize existing agencies or organizations, to make studies, conduct surveys, submit recommendations, or otherwise contribute the best available expertise from the institutions, interests groups, and segments of the society most concerned with a particular aspect of the Commission's work.

(c)(1) At any time after July 1, 1973, a State may designate the State Commission established under subsection (a) as the State agency or institution required under section 105, 603, or 704. In such a case, the State Commission established under this section shall be deemed to meet the requirements of such sections for State agencies or institutions.

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(2) If a State makes a designation referred to in paragraph (1)—

(A) the Commissioner shall pay the State Commission the amount necessary for the proper and efficient administration of the Commission of the functions transferred to it by reason of the designation; and

(B) the State Commission shall be considered the successor agency to the State agency or institution with respect to which the designation is made, and action theretofore taken by the State agency or institution shall continue to be effective until changed by the State Commission.

(d) Any State which desires to receive assistance under title VI or under title VII but which does not desire, after June 30, 1973, to place the functions of State Commissions under such titles under the authority of the State Commission established pursuant to subsection (a) shall establish for the purposes of such titles a State Commission which is broadly representative of the public and of institutions of higher education (including junior colleges and technical institutes) in the State. Such State Commissions shall have the sole responsibility for the administration of State plans under such titles VI and VII within such State. (20 U.S.C. 1142a) Enacted June 23, 1972, P.L. 92-318, sec. 196, 86 Stat. 324.

COMPREHENSIVE STATEWIDE PLANNING

SEC. 1203. (a) The Commissioner is authorized to make grants to any State Commission established pursuant to section 1202(a) to enable it to expand the scope of the studies and planning required in title X through comprehensive inventories of, and studies with respect to, all public and private postsecondary educational resources in the State, including planning necessary for such resources to be better coordinated, improved, expanded, or altered so that all persons within the State who desire, and who can benefit from, postsecondary education may have an opportunity to do so.

(b) The Commissioner shall make technical assistance available to State Commissions, if so requested, to assist them in achieving the purposes of this section.

(c) There are authorized to be appropriated such sums as may be necessary to carry out this section. (20 U.S.C. 1142b) Enacted June 23, 1972, P.L. 92-318, sec. 196, 86 Stat. 325.

TITLE X—COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION

PART A—ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLEGES

Subpart 1—Statewide Plans

SEC. 1001. (a) Each State Commission (established or designated under section 1202) of each State which desires to receive assistance under this subpart shall develop a statewide plan for the expansion or improvement of postsecondary education programs in community colleges or both. Such plan shall among other things—

(1) designate areas, if any, of the State in which residents do not have access to at least two years of tuition-free or low-tuition postsecondary education within reasonable distance;

(2) set forth a comprehensive statewide plan for the establishment, or expansion, and improvement of community colleges, or both, which would achieve the goal of making available, to all residents of the State an opportunity to attend a community college (as defined in section 1018);

(3) establish priorities for the use of Federal and non-Federal financial and other resources which would be necessary to achieve the goal set forth in clause (2);

(4) make recommendations with respect to adequate State and local financial support, within the priorities set forth pursuant to clause (3), for community colleges;

(5) set forth a statement analyzing the duplications of postsecondary educational programs and make recommendations for the coordination of such programs in order to eliminate unnecessary or excessive duplications; and

(6) set forth a plan for the use of existing and new educational resources in the State in order to achieve the goal set forth in clause (2), including recommendations for the modification of State plans for federally assisted

vocational education, community services, and academic facilities as they may affect community colleges.

In carrying out its responsibilities under this subsection, each State Commission shall establish an advisory council on community colleges which shall—

(A) be composed of—

(i) a substantial number of persons in the State (including representatives of State and local agencies) having responsibility for the operation of community colleges;

(ii) representatives of State agencies having responsibility for or an interest in postsecondary education; and

(iii) the general public;

(B) have responsibility for assisting and making recommendations to the State Commission in developing the statewide plan required under this section;

(C) conduct such hearings as the State Commission may deem advisable; and

(D) pursuant to requirements established by the State Commission, provide each State and local agency within the State responsible for postsecondary education an opportunity to review and make recommendations with respect to such plan.

(b)(1) There is hereby authorized to be appropriated $15,700,000 during the period beginning July 1, 1972, and ending June 30, 1974, to carry out the provisions of this section.

(2) Sums appropriated pursuant to paragraph (1) shall be allotted by the Commissioner equally among the States, except that the amount allotted to Guam, American Samoa, and the Virgin Islands shall not exceed $100,000 each. Such sums shall remain available until expended.

(c) Each plan developed and adopted pursuant to subsection (a) shall be submitted to the Commissioner for his approval. The Commissioner shall not approve any plan unless he determines that it fulfills the requirements of this section. (20 U.S.C. 1135) Enacted June 23, 1972, P.L. 92-318, sec. 186(a)(1), 86 Stat. 312, 313.

Subpart 2—Establishment and Expansion of Community Colleges

PROGRAM AUTHORIZATION

SEC. 1011. (a) In order to encourage and assist those States and localities which so desire in establishing or expanding community colleges, or both, the Commissioner shall carry out a program as provided in this subpart for making grants to community colleges in order to improve educational opportunities available through community colleges in such States.

(b) For the purpose of carrying out this subpart, there are authorized to be appropriated $70,000,000 for the fiscal year ending June 30, 1973, $75,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 30, 1975. (20 U.S.C. 1135a) Enacted June 23, 1972, P.L. 92-318, sec. 186(a)(1), 86 Stat. 313.

APPORTIONMENTS

SEC. 1012. (a) From the sums appropriated pursuant to section 1011(b) for each fiscal year the Commissioner shall apportion not more than 3 per centum thereof among Puerto Rico, Guam, American Samoa and the Virgin Islands according to their respective needs. From the remainder of such sums the Commissioner shall apportion to each State an amount which bears the same ratio to such remainder as the population aged eighteen and over in such State bears to the total of such population in all States. For the purpose of the second sentence of this subsection, the term "State" does not include Puerto Rico, Guam, American Samoa and the Virgin Islands.

(b) The portion of any State's apportionment under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such apportionment is available, for carrying out the purposes of this subpart shall be available for reapportionment from time to time, on such dates during such period as the Commissioner shall fix, to other States in proportion to the original apportionments to such States under subsection (a) for such year but

with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such State needs and will be able to use for such period for carrying out such portion of its State plan referred to in section 1001(a)(2) approved under this subpart, and the total of such reductions shall be similarly reapportioned among the States whose proportionate amounts are not so reduced. Any amount reapportioned to a State under this subsection during a year shall be deemed part of its apportionment under subsection (a) for such year. (20 U.S.C. 1135a-1) Enacted June 23, 1972, P.L. 92-318, sec. 186(a)(1), 86 Stat. 313, 314.

ESTABLISHMENT GRANTS

SEC. 1013. (a) The Commissioner is authorized to make grants to new community colleges to assist them in planning, developing, establishing, and conducting initial operations of new community colleges in areas of the States in which there are no existing community colleges or in which existing community colleges cannot adequately provide postsecondary educational opportunities for all of the residents thereof who desire and can benefit from postsecondary education.

(b) For the purposes of subsection (a), the term "new community college" means a board of trustees or other governing board (or its equivalent) which is established by, or pursuant to, the law of a State, or local government, for the purpose of establishing a community college, as defined in section 1018, or any existing board so established which has the authority to create, and is in the process of establishing, a new community college. (20 U.S.C. 1135a-2) Enacted June 23, 1972, P.L. 92-318, sec. 186(a)(1), 86 Stat. 314.

EXPANSION GRANTS

SEC. 1014. The Commissioner is authorized to make grants to existing community colleges to assist them—

(1) in expanding their enrollment capacities,

(2) in establishing new campuses, and

(3) in altering or modifying their educational programs,

in order that they may (A) more adequately meet the needs, interests, and potential benefits of the communities they serve, or (B) provide educational programs especially suited to the needs of educationally disadvantaged persons residing in such communities (20 U.S.C. 1135a-3) Enacted June 23, 1972, P.L. 92-318, sec. 186(a)(1), 86 Stat. 314.

LEASE OF FACILITIES

SEC. 1015. (a) The Commissioner is authorized to make grants to community colleges to enable them to lease facilities, for a period of not to exceed five years, in connection with activities carried out by them under section 1013 or section 1014.

(b) The Federal share of carrying out a project through a grant under this section shall not exceed—

(1) 70 per centum of the cost of such project for the first year of assistance under this section;

(2) 50 per centum thereof for the second such year;

(3) 30 per centum thereof for the third such year; and

(4) 10 per centum thereof for the fourth such year. (20 U.S.C. 1135a-4) Enacted June 23, 1972, P.L. 92-318, sec. 186(a)(1), 86 Stat. 314, 315.

APPLICATIONS; FEDERAL SHARE

SEC. 1016. (a)(1) Grants under sections 1013 and 1014 may be made only upon application to the Commissioner. Applications for assistance under such sections shall be submitted at such time, in such manner and form, and containing such information as the Commissioner shall require by regulation.

(2) No application submitted pursuant to paragraph (1) shall be approved unless the Commissioner determines that it is consistent with the plan approved by him under section 1001 from the State in which the applicant is located.

(b)(1) No application for assistance under section 1013 or 1014 shall be approved for a period of assistance in excess of four years.

(2) The Federal share of the cost of carrying out the project for which assistance is sought in an application submitted pursuant to this section shall not exceed—

(A) 40 per centum of such cost for the first year of assistance;

(B) 30 per centum thereof for the second year of assistance;

(C) 20 per centum thereof for the third year of assistance; and

(D) 10 per centum thereof for the fourth year of assistance.

(c)(1) Funds appropriated pursuant to section 1011 and granted under section 1013 or 1014 shall, subject to paragraph (2), be available for those activities the Commissioner determines to be necessary to carry out the purposes of such sections.

(2) Such funds may be used (A) to remodel or renovate existing facilities, or (B) to equip new and existing facilities, but such funds may not be used for the construction of new facilities or the acquisition of existing facilities. (20 U.S.C. 1135a-5) Enacted June 23, 1972, P.L. 92-318, sec. 186(a)(1), 86 Stat. 315.

PAYMENTS

SEC. 1017. From the amount apportioned to each State pursuant to section 1012, the Commissioner shall pay to each applicant from that State which has had an application for assistance approved under this subpart the Federal share of the amount expended under such application. (20 U.S.C. 1135a-6) Enacted June 23, 1972, P.L. 92-318, sec. 186(a)(1), 86 Stat. 315.

DEFINITIONS

SEC. 1018. As used in this title, the term "community college" means any junior college, postsecondary vocational school, technical institute, or any other educational institution (which may include a four-year institution of higher education or a branch thereof) in any State which—

(1) is legally authorized within such State to provide a program of education beyond secondary education;

(2) admits as regular students persons who are high school graduates or the equivalent, or at least 18 years of age;

(3) provides a two-year postsecondary educational program leading to an associate degree, or acceptable for credit toward a bachelor's degree, and also provides programs of postsecondary vocational, technical, occupational, and specialized education;

(4) is a public or other nonprofit institution;

(5) is accredited as an institution by a nationally recognized accrediting agency or association, or if not so accredited—

(A) is an institution that has obtained recognized preaccreditation status from a nationally recognized accrediting body, or on the same basis as if transferred from an institution so accredited.

(20 U.S.C. 1135a-7) Enacted June 23, 1972, P.L. 92-318, sec. 186(a)(1), 86 Stat. 315, 316.

PART B—OCCUPATIONAL EDUCATION PROGRAMS

AUTHORIZATION OF APPROPRIATIONS

SEC. 1051. For the purposes of carrying out this part, there are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, $250,000,000 for the fiscal year ending June 30, 1974, and $500,000,000 for the fiscal year ending June 30, 1975. Eighty per centum of the funds appropriated for the first year for which funds are appropriated under this section shall be available for the purposes of establishing administrative arrangements under section 1055, making planning grants under section 1056, and for initiating programs under section 1057 in those States which have complied with the planning requirements of section 1056; and 20 per centum shall be available only for technical assistance under section 1059(a). From the amount appropriated for each succeeding fiscal year 15 per centum shall be reserved to the Commissioner for grants and contracts pursuant to section 1059(b). (20 U.S.C. 1135b) Enacted June 23, 1972, P.L. 92-318, sec. 186(a)(1), 86 Stat. 316.

ALLOTMENTS AND REALLOTMENTS AMONG STATES

SEC. 1052. (a) From the sums appropriated under section 1051 for the first year for which funds are appropriated under that section (other than funds available only for technical assistance), the Commissioner shall first allot such sums as they may require (but not to exceed $50,000 each) to American Samoa and the Trust Territory of the Pacific Islands. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of persons sixteen years of age or older in such State bears to the number of such persons in all the States, except that the amount allotted to each State shall not be less than $100,000.

(b) From the sums appropriated for any succeeding fiscal year under such section (other than funds reserved to the Commissioner), the Commissioner shall first allot such sums as they may require (but not to exceed $500,000 each) to American Samoa and the Trust Territory of the Pacific Islands. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of persons sixteen years of age or older in such State bears to the number of such persons in all the States, except that the amount allotted to each State shall not be less than $500,000.

(c) The portion of any State's allotment under subsection (a) or (b) for a fiscal year which the Commissioner determines will not be required, for the period such allotment is available, for carrying out the purposes of this part shall be available for reallotment from time to time on such date or dates during such periods as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) or (b) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such States need and will be able to use for such period, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) or (b) for such year. (20 U.S.C. 1135b-1) Enacted June 23, 1972, P.L. 92-318, sec. 186(a)(1), 86 Stat. 316, 317.

FEDERAL ADMINISTRATION

SEC. 1053. The Secretary shall develop and carry out a program designed to promote and encourage occupational education, which program shall—

(1) provide for the administration by the Commissioner of Education of grants to the States authorized by this part;

(2) assure that manpower needs in subprofessional occupations in education, health, rehabilitation, and community and welfare services are adequately considered in the development of programs under this part;

(3) promote and encourage the coordination of programs developed under this part with those supported under part A of this title, the Vocational Education Act of 1963, the Manpower Development and Training Act of 1962, title I of the Economic Opportunity Act of 1964, the Public Health Service Act, and related activities administered by various departments and agencies of the Federal Government; and

(4) provide for the continuous assessment of needs in occupational education and for the continuous evaluation of programs supported under the authority of this part and of related provisions of law.

(20 U.S.C. 1135b-2) Enacted June 23, 1972, P.L. 92-318, sec. 186(a)(1), 86 Stat. 317.

GENERAL RESPONSIBILITIES OF COMMISSIONER OF EDUCATION

SEC. 1054. The Commissioner shall, in addition to the specific responsibilities imposed by this part, develop and carry out a program of occupational education that will--

(1) coordinate all programs administered by the Commissioner which specifically relate to the provisions of this part so as to provide the maximum practicable support for the objectives of this part;

(2) promote and encourage occupational preparation, counseling and guidance, and job placement or placement in postsecondary occupational education programs as a responsibility of elementary and secondary schools;

(3) utilize reasearch and demonstration programs administered by him to assist in the development of new and improved instructional methods and technology for occupational education and in the design and testing of models of schools or school systems which place occupational education on an equal footing with academic education;

(4) assure that the Education Professions Development Act and similar programs of general application will be so administered as to provide a degree of support for vocational, technical, and occupational education commensurate with national needs and more nearly representative of the relative size of the population to be served; and

(5) develop and disseminate accurate information on the status of occupational education in all parts of the Nation, at all levels of education, and in all types of institutions, together with information on occupational opportunities available to persons of all ages.

(20 U.S.C. 1135b–3) Enacted June 23, 1972, P.L. 92–318, sec. 186(a)(1), 86 Stat. 317.

STATE ADMINISTRATION

SEC. 1055. (a) Any State desiring to participate in the program authorized by this part shall in accordance with State law establish a State agency or designate an existing State agency which will have sole responsibility for fiscal management and administration of the program, in accordance with the plan approved under this part, and which adopts administrative arrangements which will provide assurances satisfactory to the Commissioner that—

(1) the State Advisory Council on Vocational Education will be charged with the same responsibilities with respect to the program authorized by this part as it has with respect to programs authorized under the Vocational Education Act of 1963;

(2) there is adequate provision for individual institutions or groups of institutions and for local educational agencies to appeal and obtain a hearing from the State administrative agency with respect to policies, procedures, programs, or allocation of resources under this part with which such institution or institutions or such agencies disagree.

(b) The Commissioner shall approve any administrative arrangements which meet the requirements of subsection (a), and shall not finally disapprove any such arrangements without affording the State administrative agency a reasonable opportunity for a hearing. Upon the final disapproval of any arrangement, the provisions for judicial review set forth in section 1058(b) shall be applicable. (20 U.S.C. 1135b–4) Enacted June 23, 1972, P.L. 92–318, sec. 186(a)(1), 86 Stat. 318.

PLANNING GRANTS FOR STATE OCCUPATIONAL EDUCATION PROGRAMS

SEC. 1056. (a) Upon the application of a State Commission (established or designated pursuant to section 1202), the Commissioner shall make available to the State the amount of its allotment under section 1052 for the following purposes—

(1) to strengthen the State Advisory Council on Vocational Education in order that it may effectively carry out the additional functions imposed by this part; and

(2) to enable the State Commission to initiate and conduct a comprehensive program of planning for the establishment of the program authorized by this part.

(b)(1) Planning activities initiated under clause (2) of subsection (a) shall include—

(A) an assessment of the existing capabilities and facilities for the provision of postsecondary occupational education, together with existing needs and projected needs for such education in all part of the State;

(B) thorough consideration of the most effective means of utilizing all existing institutions within the State capable of providing the kinds of programs assisted under this part, including (but not limited to) both private and public community and junior colleges, area vocational schools, accredited private proprietary institutions, technical institutes, manpower skill centers, branch institutions of State colleges or universities and public and private colleges and universities;

(C) the development of an administrative procedure which provides reasonable promise for resolving differences between vocational educators, community and junior college educators, college and university educators, elementary and secondary educators, and other interested groups with respect to the administration of the program authorized under this part; and

(D) the development of a long-range strategy for infusing occupational education (including general orientation, counseling and guidance and placement either in a job or in postsecondary occupational programs) into elementary and secondary schools on an equal footing with traditional academic education, to the end that every child who leaves secondary school is prepared either to enter productive employment or to undertake additional education at the postsecondary level, but without being forced prematurely to make an irrevocable commitment to a particular educational or occupational choice; and

(E) the development of procedures to insure continuous planning and evaluation, including the regular collection of data which would be readily available to the State administrative agency, the State Advisory Council on Vocational Education, individual educational institutions, and other interested parties (including concerned private citizens).

(2) Planning activities carried on by the State Commission under this section shall involve the active participation of—

(A) the State board for vocational education;

(B) the State agency having responsibility for community and junior colleges;

(C) the State agency having responsibility for higher education institutions or programs;

(D) the State agency responsible for administering public elementary and secondary education;

(E) the State agency responsible for programs of adult basic education;

(F) representatives of all types of institutions in the State which are conducting or which have the capability and desire to conduct programs of postsecondary occupational education;

(G) representatives of private, nonprofit elementary and secondary schools;

(H) the State employment security agency, the State agency responsible for apprenticeship programs, and other agencies within the State having responsibility for administering manpower development and training programs;

(I) the State agency responsible for economic and industrial development;

(J) persons familiar with the occupational education needs of the disadvantaged, of the handicapped, and of minority groups; and

(K) representatives of business, industry, organized labor, agriculture, and the general public.

(c) The Commissioner shall not approve any application for a grant under section 1057 of this part unless he is reasonably satisfied that the planning described in this section (whether or not assisted by a grant under this section) has been carried out. (20 U.S.C. 1135b–5) Enacted June 23, 1972, P.L. 92–318, sec. 186(a)(1), 86 Stat. 318, 319.

PROGRAM GRANTS FOR STATE OCCUPATIONAL EDUCATION PROGRAMS

SEC. 1057. (a) From the allotments available to the States under section 1052(b) (upon application by the State administrative agency designated or established under section 1055), the Commissioner shall make grants to any State which has satisfied the requirements of section 1058. Such grants may be used for the following purposes—

(1) assist the State administrative agency designated or established under section 1055;

(2) the design, establishment, and conduct of programs of postsecondary occupational education (or the expansion and improvement of existing programs) as defined by section 1060 of this part;

(3) the design, establishment, and conduct of programs to carry out the long-range strategy developed pursuant to section 1056(b)(1)(D) for infusing into elementary and secondary education occupational preparation, which shall include methods of involving secondary schools in occupational

placement and methods of providing followup services and career counseling and guidance for persons of all ages as a regular function of the educational system;

(4) the design of high-quality instructional programs to meet the needs for postsecondary occupational education and the development of an order of priorities for placing these programs in operation;

(5) special training and preparation of persons to equip them to teach, administer, or otherwise assist in carrying out the program authorized under this part (such as programs to prepare journeymen in the skilled trades or occupations for teaching positions); and

(6) the leasing, renting, or remodeling of facilities required to carry out the program authorized by this part.

(b) Programs authorized by this part may be carried out through contractual arrangements with private organizations and institutions organized for profit where such arrangements can make a contribution to achieving the purposes of this part by providing substantially equivalent education, training, or services more readily or more economically, or by preventing needless duplication of expensive physical plant and equipment, or by providing needed education or training of the types authorized by this part which would not otherwise be available. (20 U.S.C. 1135b-6) Enacted June 23, 1972, P.L. 92-318, sec. 186(a)(1), 86 Stat. 319, 320.

ASSURANCES; JUDICIAL REVIEW

SEC. 1058. (a) Before making any program grant under this part the Commissioner shall receive from the State Commission an assurance satisfactory to him that the plannnig requirements of section 1056 have been met and from the State administrative agency assurances satisfactory to him that—

(1) the State Advisory Council on Vocational Education has had a reasonable opportunity to review and make recommendations concerning the design of the programs for which the grant is requested;

(2) Federal funds made available under this part will result in improved occupational education programs, and in no case supplant State, local, or private funds;

(3) adequate provision has been made by such agency for programs described in section 1057(a)(3);

(4) provision has been made for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State under this part;

(5) to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served by an elementary or secondary school program funded under this part, provision has been made for the effective participation of such students; and

(6) reports will be made in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this part.

(b)(1) Whenever the Commissioner, after reasonable notice and opportunity for a hearing to the State administrative agency, finds that any of the assurances required by subsection (a) are unsatisfactory, or that in the administration of the program there is a failure to comply with such assurances or with other requirements of the part, the Commissioner shall notify the administrative agency that no further payments will be made to the State under this part until he is satisfied there has been or will be compliance with the requirements of the part.

(2) A State administrative agency which is dissatisfied with a final action of the Commissioner under this section or under section 1055 (with respect to approval of State administration) may appeal to the United States court of appeals for the circuit in which the State is located by filing a peition wih such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside,

in whole or in part, temporarily or permanently but until the filing of the record the Commissioner may modify or set aside his action. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action. (20 U.S.C. 1135b-7) Enacted June 23, 1972, P.L. 92-318, sec. 186(a)(1), 86 Stat. 320, 321.

TECHNICAL ASSISTANCE; MODEL PROGRAMS

SEC. 1059. (a) The Commissioner shall make available (to the extent practicable) technical assistance to the States in planning, designing, and carrying out the program authorized by this part upon the request of the appropriate State agency designated or established pursuant to section 1055 or section 1202 and the Commissioner shall take affirmative steps to acquaint all interested organizations, agencies, and institutions with the provision of this part and to enlist broad public understanding of its purposes.

(b) From the sums reserved to the Commissioner under section 1051, he shall by grant or contract provide assistance—

(1) for the establishment and conduct of model or demonstration programs which in his judgment will promote the achievement of one or more purposes of this part and which might otherwise not be carried out (or not be carried out soon enough or in such a way as to have the desirable impact upon the purposes of the part);

(2) as an incentive or supplemental grant to any State administrative agency which makes a proposal for advancing the purposes of this part which he feels holds special promise for meeting occupational education needs of particular groups or classes of persons who are disadvantaged or who have special needs, when such proposal could not reasonably be expected to be carried out under the regular State program; and

(3) for particular programs or projects eligible for support under this part which he believes have a special potential for helping to find solutions to problems on a regional or national basis.

(c) In providing support under subsection (b) the Commissioner may as appropriate make grants to or contracts with public or private agencies, organizations, and institutions, but he shall give first preference to applications for projects or programs which are administered by or approved by State administrative agencies, and he shall in no case make a grant or contract within any State without first having afforded the State administrative agency reasonable notice and opportunity for comment and for making recommendations. (20 U.S.C. 1135b-8) Enacted June 23, 1972, P.L. 92-318, sec. 186(a)(1), 86 Stat. 321, 322.

DEFINITIONS

SEC. 1060. For the purposes of this part—

(1) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and (except for the purposes of subsections (a) and (b) of section 1052) American Samoa and the Trust Territory of the Pacific Islands.

(2) The term "postsecondary occupational education" means education, training, or retraining (and including guidance, counseling, and placement services) for persons sixteen years of age or older who have graduated from or left elementary or secondary school, conducted by an institution legally authorized to provide postsecondary education within a State, which is designed to prepare individuals for gainful employment as semi-skilled or skilled workers or technicians or subprofessionals in recognized occupations (including new and emerging occupations), or to prepare individuals for enrollment in advanced technical education programs, but excluding any program to prepare individuals for employment in occupations which the Commissioner determines, and specifies by regulation, to be generally con-

sidered professional or which require a baccalaureate or advanced degree. (20 U.S.C. 1135b-9) Enacted June 23, 1972, P.L. 92-318, sec. 186(a)(1), 86 Stat. 322

PART C—ESTABLISHMENT OF AGENCIES

ESTABLISHMENT OF BUREAU OF OCCUPATIONAL AND ADULT EDUCATION

SEC. 1071. (a) There is hereby established in the United States Office of Education a Bureau of Occupational and Adult Education hereinafter referred to as the Bureau, which shall be responsible for the administration of this title, the Vocational Education Act of 1963, including parts C and I thereof, the Adult Education Act, functions of the Office of Education relating to manpower training and development, functions of the Office relating to vocational, technical, and occupational training in community and junior colleges, and any other Act vesting authority in the Commissioner for vocational, occupational, adult and continuing education and for those portions of any legislation for career education which are relevant to the purposes of other Acts administered by the Bureau.

(b)(1) The Bureau shall be headed by a person (appointed or designated by the Commissioner) who is highly qualified in the fields of vocational, technical, and occupational education, who is accorded the rank of Deputy Commissioner, and who shall be compensated at the rate specified for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code.

(2) Additional positions are created for, and shall be assigned to, the Bureau as follows:[1]

(A) Three positions to be placed in grade 17 of such General Schedule, one of which shall be filled by a person with broad experience in the field of junior and community college education.

(B) Seven positions to be placed in grade 16 of such General Schedule, at least two of which shall be filled by persons with broad experience in the field of postsecondary-occupational education in community and junior colleges, at least one of which shall be filled by a person with broad experience in education in private proprietary institutions, and at least one of which shall be filled by a person with professional experience in occupational guidance and counseling, and

(C) Three positions which shall be filled by persons at least one of whom is a skilled worker in a recognized occupation, another is a subprofessional technician in one of the branches of engineering, and the other is a subprofessional worker in one of the branches of social or medical services, who shall serve as senior advisers in the implementation of this title. (20 U.S.C. 1135c) Enacted June 23, 1972, P.L. 92-318, sec. 186(a)(1), 86 Stat. 322, 323.

COMMUNITY COLLEGE UNIT

SEC. 1072. (a) There is established, in the Office of Education, a Community College Unit (in this section referred to as the "Unit") which shall have the responsibility for coordinating all programs administered by the Commissioner which affect, or can benefit, community colleges, including such programs assisted under this Act, and the Vocational Education Act of 1963.

(b) The Unit shall be headed by a Director who shall be placed in grade 17 of the General Schedule under section 5332 of title 5, United States Code. (20 U.S.C. 1135c-1) Enacted June 23, 1972, P.L. 92-318, sec. 186(a)(1), 86 Stat. 323.

* * * * *

TITLE I—COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

STATE PLANS

SEC. 105. (a) Any State desiring to receive its allotment of Federal funds under this title shall designate or create a State agency or institution which has special qualifications with respect to solving community problems and which is broadly

[1] Note: Sec. 186(a)(2) of P.L. 92-318 provides as follows:
"(2) The positions created by section 1071 and section 1072 of the Higher Education Act of 1965 shall be in addition to the number of positions placed in the appropriate grades under section 5108, title 5, United States Code.

representative of institutions of higher education in the State which are competent to offer community service programs, and shall submit to the Commissioner through the agency or institution so designated a State plan. If a State desires to designate for the purpose of this section an existing State agency or institution which does not meet these requirements, it may do so if the agency or institution takes such action as may be necessary to acquire such qualifications and assure participation of such institutions, or if it designates or creates a State advisory council which meets the requirements not met by the designated agency or institution to consult with the designated agency or institution in the preparation of the State plan. A State plan submitted under this title shall be in such detail as the Commissioner deems necessary and shall—

(1) provide that the agency or institution so designated or created shall be the sole agency for administration of the plan or for supervision of the administration of the plan; and provide that such agency or institution shall consult with any State advisory council required to be created by this section with respect to policy matters arising in the administration of such plan;

(2) set forth a comprehensive, coordinated, and statewide system of community service programs under which funds paid to the State (including funds paid to an institution pursuant to section 107(c)) under its allotments under section 103 will be expended solely for community service programs which have been approved by the agency or institution administering the plan (except that if a comprehensive, coordinated, and statewide system of community service programs cannot be effectively carried out by reason of insufficient funds, the plan may set forth one or more proposals for community service programs in lieu of a comprehensive, coordinated, statewide system of such programs);

(3) set forth the policies and procedures to be followed in allocating Federal funds to institutions of higher education in the State, which policies and procedures shall insure that due consideration will be given—

(A) to the relative capacity and willingness of particular institutions of higher education (whether public or private) to provide effective community service programs;

(B) to the availability of and need for community service programs among the population within the State; and

(C) to the results of periodic evaluations of the programs carried out under this title in the light of information regarding current and anticipated community problems in the State;

(4) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, or funds of institutions of higher education, but to supplement and, to the extent practicable, to increase the amounts of such funds that would be the absence of such Federal funds be made available for community service programs;

(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State (including such funds paid by the State or by the Commissioner to institutions of higher education) under this title; and

(6) provide for making such reports in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this title, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsection (a). (20 U.S.C. 1005) Enacted Nov. 8, 1965, P.L. 89-329, Title I, sec. 105, 79 Stat. 1220; amended Oct. 16, 1968, P.L. 90-575, Title II, sec. 202, Stat. 1036.

TITLE VI—FINANCIAL ASSISTANCE FOR THE IMPROVEMENT OF UNDERGRADUATE INSTRUCTION

PART A—EQUIPMENT

STATE COMMISSIONS AND PLANS

SEC. 603. Any State desiring to participate in the program under this part shall designate for that purpose an existing State agency which is broadly representa-

tive of the public and of institutions of higher education in the State, or, if no such State agency exists, shall establish such a State agency, and submit to the Commissioner through the agency so designated or established (hereafter in this part referred to as the "State commission"), a State plan for such participation. The Commisisoner shall approve any such plan which—

(1) provides that it shall be administered by the State commission;

(2) set forth, consistently with basic criteria prescribed by regulation pursuant to section 604, objective standards and methods (A) for determining the relative priorities of eligible projects for the acquisition of laboratory and other special equipment (other than supplies consumed in use), including audiovisual materials and equipment for classrooms or audiovisual centers, and printed and published materials (other than textbooks) for classrooms or libraries, suitable for use in providing education in science, mathematics, foreign languages, history, geography, government, English, other humanities, the arts, or education at the undergraduate level in institutions of higher education, and minor remodeling of classroom or other space used for such materials or equipment; (B) for determining relative priorities of eligible projects for (i) the acquisition of television equipment for closed-circuit direct instruction in such fields in such institutions (including equipment for fixed service instructional television, as defined by the Federal Communications Commission, but not including broadcast transmission equipment), (ii) the acquisition of necessary instructional materials for use in for such television instruction, and (iii) minor remodeling necessary for such television equipment; and (C) for determining the Federal share of the cost of each such project;

(3) provides (A) for assigning priorities solely on the basis of such criteria, standards, and methods to eligible projects submitted to the State commission and deemed by it to be otherwise approvable under the provisions of this part; and (B) for approving and recommending to the Commissioner, in the order of such priority, applications covering such eligible projects, and for certifying to the Commissioner the Federal share, determined by the State commission under the State plan, of the cost of the project involved;

(4) provides for affording to every applicant, which has submitted to the State commission a project, an opportunity for a fair hearing before the commission as to the priority asigned to such project or as to any other determination of the commission adversely affecting such applicant; and

(5) provides (A) for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State commission under this part, and (B) for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this part.

(20 U.S.C. 1123) Enacted Nov. 8, 1965, P.L. 89-329, Title VI, sec. 603, 79 Stat. 1262.

TITLE VII—CONSTRUCTION OF ACADEMIC FACILITIES

STATE PLANS

SEC. 704. (a) Any State desiring to participate in the grant program authorized by this part for any fiscal year shall submit for that year to the Commissioner through the State Commission a State plan for such participation. Such plan shall be submitted at such time, in such manner, and containing such information as may be necessary to enable the Commissioner to carry out his functions under this part and shall—

(1) provide that it shall be administered by the State Commission;

(2) set forth objective standards and methods which are consistent with basic criteria prescribed by regulations pursuant to section 706, for—

(A) determining the relative priorities of eligible projects submitted by institutions of higher education within the State for the construction of academic facilities, and

(B) determining the Federal share of the development cost of each such project;

(3) provide that the funds apportioned for any fiscal year under section 702 or 703 shall be used only for the purposes set forth therein;

(4) provide for—

(A) assigning priorities solely on the basis of such criteria, standards, and methods to eligible projects submitted to the State Commission and found by it otherwise approvable under the provisions of this part, and

(B) approving and recommending to the Commissioner, in the order of such priority, applications covering such eligible projects, and for certifying to the Commissioner the Federal share of the development cost of the project involved;

(5) provide for affording to every applicant which has submitted a project to the State Commission an opportunity for a fair hearing before the State Commission as to the priority assigned to such project, or as to any other determination of the State Commission adversely affecting such applicant; and

(6) provide for—

(A) such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State Commission under this part, and

(B) making such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this part.

(b) The Commissioner shall approve any State plan submitted under this section if he determines that it complies with the provisions of this section and other appropriate provisions of this title. (20 U.S.C. 1132a-3) Enacted June 23, 1972, P.L. 92-318, sec. 161, 86 Stat. 290, 291.

B. GENERAL EDUCATION PROVISIONS ACT AS AMENDED BY PUBLIC LAW 92-318

SUPPORT FOR IMPROVEMENT OF POSTSECONDARY EDUCATION

SEC. 404. (a) Subject to the provisions of subsection (b), the Secretary is authorized to make grants to, and contracts with, institutions of postsecondary education (including combinations of such institutions) and other public and private educational institutions and agencies (except that no grant shall be made to an educational institution or agency other than a nonprofit institution or agency) to improve postsecondary educational opportunities by providing assistance to such educational institutions and agencies for—

(1) encouraging the reform, innovation, and improvement of postsecondary education, and providing equal educational opportunity for all;

(2) the creation of institutions and programs involving new paths to career and professional training, and new combinations of academic and experimental learning;

(3) the establishment of institutions and programs based on the technology of communications;

(4) the carrying out in postsecondary educational institutions of changes in internal structure and operations designed to clarify institutional priorities and purposes;

(5) the design and introduction of cost-effective methods of instruction and operation;

(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering institutions and pursuing programs of study tailored to individual needs;

(7) the introduction of reforms in graduate education, in the structure of academic professions, and in the recruitment and retention of faculties; and

(8) the creation of new institutions and programs for examining and awarding credentials to individuals, and the introduction of reforms in current institutional practices related thereto.

(b) No grant shall be made or contract entered into under subsection (a) for a project or program with any institution of postsecondary education unless it has been submitted to each appropriate State Commission established under section 1202 of the Higher Education Act of 1965, and an opportunity afforded such Commission to submit its comments and recommendations to the Secretary.

(c) For the purposes of this section, the authority granted to the Commissioner in part D of this Act shall apply to the Secretary.

(d) The Secretary may appoint, for terms not to exceed three years, without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service, not more than five technical employees to administer this section who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(e) There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, $50,000,000 for the fiscal year ending June 30, 1974, and $75,00,000 for the fiscal year ending June 30, 1975, for the purposes of this section. (20 U.S.C. 1221d) Enacted June 23, 1972, P.L. 92-318, sec. 301(a)(2), 86 Stat. 327.

B-1. Side-by-Side Comparison of Conference Agreement with House and Senate Amendments

SIDE-BY-SIDE COMPARISON
OF STATE COMMISSION AND RELATED
PROVISIONS OF SENATE AND HOUSE
AMENDMENTS AND OF FINAL CONFERENCE
AGREEMENT (EDUCATION AMENDMENTS
OF 1972, P.L. 92-318)

HOUSE AMENDMENTS	SENATE AMENDMENTS	CONFERENCE AGREEMENT
	Sec. 163.(a) Section 1202 of the Higher Education Act of 1965, having been superseded by section 425 of the General Education Provisions Act, is hereby repealed. (b) Title XII of such Act is amended by adding after section 1201 the following new section.	
Title XV - State Postsecondary Education Commissions, Sec. 1501	"State Higher Education Commissions	
Designation or Creation of State Agency or Commission Sec. 1501.(a) Any State may designate or create a State agency or commission which is broadly and equitably representative of the public and of the public and private nonprofit and proprietary institutions of postsecondary education including community and junior colleges, technical institutes, four year institutions of higher education and branches thereof providing post-secondary academic and/or vocational and occupational training, in the State	Designation of State Agency "Sec. 1202.(a)(1) Any State desiring to participate, after June 30, 1972, in any program authorized by this Act which requires the use of a State Commission in the administration thereof shall designate, for such purpose, a State agency which is broadly representative of the public and of the public and private institutions of higher education (including public community colleges and public technical institutes in the State. If, in the case of any State, no such State agency exists, such State shall create such an agency.	Establishment or designation of State Agency or Commission Sec. 1202 (a) Any State which desires to receive assistance under section 1203 or title X shall establish a State Commission or designate an existing State agency or State Commission (to be known as the State Commission) which is broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education in the State including community colleges (as defined in title X), junior colleges, postsecondary vocational schools, area vocational schools, technical institutes, four-year institutions of higher education and branches thereof.
	Consolidation of State Commissions Required in Titles VI and VII "(2) Each State Commission shall be authorized to, and shall carry out, such functions as may be required or authorized with respect to the program in which the State is participating. The Commissioner shall pay to each State Commission the amount necessary for the proper and efficient administration by such Commission of each State plan which is approved by him under a program authorized by this Act which requires the use of a State Commission in the administration of such program.	Authority to establish Committees or task forces. (b) Such State Commission may establish committees or task forces, not necessarily consisting of Commission members, and utilize existing agencies or organizations, to make studies, conduct surveys, submit recommendations, or otherwise contribute the best available expertise from the institutions, interests groups, and segments of the society most concerned with a particular aspect of the Commission's work.
(Consolidation of State agencies or institutions under single state agency was not included in House Amendments)	"(3) The Commissioner is authorized to make grants, upon such terms and conditions as the Commissioner determines will best further the purposes	Optional consolidation of state agencies or institutions (c)(1) At any time after July 1, 1973, a State may designate the State Commission established under subsection (a) as the State agency or institution

HOUSE AMENDMENTS

SENATE AMENDMENTS

of Title VII, to State Commissioner for conducting comprehensive planning to determine construction needs of institutions of higher education.

Sec. 163(c)(1) Unless a State otherwise creates or designates a State Commission for the purposes of section 1202 of the Higher Education Act of 1965 prior to June 30, 1972, the State Commission of any State, designated or established pursuant to that part of section 105(a) of the Higher Education Facilities Act of 1963 which precedes clause (1) thereof, which exists on June 30, 1972, shall become, and be deemed to be, the State Commission of that State pursuant to section 1202 of the Higher Education Act of 1965 for the purposes of such section 1202(a). The State Commissions under such section 1202 shall be successor State Commission to those designated or established under such part of such section 105(a) for the purposes of such section 1202(a).

(2) On July 1, 1972, all functions, powers, duties, and responsibilities vested in any State Commission established pursuant to such part of such section 105(a) on June 30, 1972, shall be vested in their successor State Commissions.

(3) All orders, determinations, rules, procedures, or other decisions of State Commissions under such part of such section 105(a), which are in effect on June 30, 1972, shall continue to be in effect and shall be

required under Titles I, VI or VII after 7/1/73

CONFERENCE AGREEMENT

required under section 105, 603, or 704. In such a case, the State Commission established under this section shall be deemed to meet the requirements of such sections for State agencies or institutions

(2) If a State makes a designation referred to in paragraph (1) --

(A) the Commissioner shall pay the State Commission the amount necessary for the proper and efficient administration of the Commission of the functions transferred to it by reason of the designation; and

(B) the State Commission shall be considered the successor agency to the State agency or institution with respect to which the designation is made, and action theretofore taken by the State agency or institution shall continue to be effective until changed by the State Commission.

(d) Any State which desires to receive assistance under title VI or under title VII but which does not desire, after June 30, 1973, to place the functions of State Commissions under such titles under the authority of the State Commission established pursuant to subsection (a) shall establish for the purposes of such titles a State Commission which is broadly representative of the public and of institutions of higher education (including junior colleges and technical institutes) in the State. Such State Commissions shall have the sole responsibility for the administration of State plans under such titles VI and VII within such State.

deemed to be orders, determinations, rules, procedures, or other decisions of their successor State Commissions until changed or modified, in accordance with law, by such successor State Commissions.

(4) All personnel, assets, liabilities, contracts, property, and records as are determined by the Commissioner to be necessary for the transitions required under this section, as, effective July 1, 1972, transferred to successor State Commissions.

(5) No successor State Commission under this subsection shall be eligible to receive a grant under section 1202 (b) of the Higher Education Act of 1965, prior to sixty days after the end of the first legislative session of the State legislature of the State for which it is the State Commission which begins after the date of enactment of this Act.

	HOUSE AMENDMENT		SENATE AMENDMENT		CONFERENCE AGREEMENT
Grants for comprehensive inventories of, and studies with respect to, ...	(b)(1) The Commissioner is authorized to make grants to State agencies or commissions designated or created pursuant to subsection (a) to enable them to make comprehensive inventories of, and studies with respect to, the postsecondary educational resources in the States and means by which such resources may be better planned and coordinated, improved, expanded, or altered in order to insure that all persons within the States who desire, and who can benefit from, postsecondary education may have an opportunity to do so.	Grants for comprehensive inventories of, and studies with respect to,...	"Sec. 1202(b)(1) The Commissioner is authorized to make grants to State Commissions to enable them to make comprehensive inventories of, and studies with respect to, the post-secondary educational resources in the States and means by which such resources may be better planned and coordinated, improved, expanded, or altered in order to insure that all persons within the States who desire, and who can benefit from, postsecondary education may have an opportunity to do so.	Grants for comprehensive inventories of, and studies with respect to, ...	Sec. 1203.(a) The Commissioner is authorized to make grants to any State Commission established pursuant to section 1202(a) to enable it to expand the scope of the studies and planning required in title X through comprehensive inventories of, and studies with respect to, all public and private postsecondary educational resources in the State, including planning necessary for such resources to be better coordinated, improved, expanded, or altered so that all persons within the State who desire, and who can benefit from, post-secondary education may have an opportunity to do so.
Grants for comprehensive planning for postsecondary education systems	(2) The Commissioner is further authorized to make grants to such State agencies or commissions to enable them to conduct comprehensive planning for statewide postsecondary education systems which will achieve the purpose set forth in paragraph (1). Such planning shall include consideration of a system of community service institutions as a means of achieving such purpose.	Grants for comprehensive planning for postsecondary education systems	"(2) The Commissioner is further authorized to make grants to State Commissions to enable them to conduct comprehensive planning for statewide postsecondary education systems which will achieve the purpose set forth in paragraph (1). Such planning shall include a consideration of a system of comprehensive public community colleges as a means of achieving this purpose.		(Grants for comprehensive planning for postsecondary education systems not specifically included in Conference Agreement)
Technical assistance	(3) The Commissioner shall make technical assistance available to such State agencies or commissions to assist them in achieving the purposes set forth in paragraphs (1) and (2).		(No technical assistance in Senate Amendment)	Technical Assistance	(b) The Commissioner shall make technical assistance available to State Commissions, if so requested, to assist them in achieving the purposes of this section.
Authorization	(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.	Authorization	"(c) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."	Authorization	(c) There are authorized to be appropriated such sums as may be necessary to carry out this section.

HOUSE AMENDMENT

Title XV - (second section of title on State Postsecondary Education Commissions referring to state committees for community postsecondary education planning)

Establishment of committees

Sec. 1502.(a) Each State agency or commission (established under section 1501) may establish a committee (hereinafter in this section referred to as the committee), the membership of which shall include representatives of -

(1) all State agencies having responsibility or an interest in postsecondary education;

(2) community and junior colleges, four-year institutions of higher education and branches thereof, technical institutes, proprietary institutions, vocational schools, comprehensive secondary schools, adult education agencies, and State manpower agencies providing postsecondary academic and/or vocational and occupational training; and

(3) the general public, labor unions, business and industry, and agriculture.

(b) The committee may develop and adopt a statewide plan for the expansion and improvement of community postsecondary education programs. Such plan may -

(1) designate areas of the State in which residents do not have access to occupational education, continuing education, and community service institutions of postsecondary education within reasonable commuting distance;

SENATE AMENDMENT

Improvement of Community Colleges

Sec. 183(a)(1) Title X of the Higher Education Act of 1965 is amended to read as follows:

"Title X-Improvement of Educational Opportunities Through Community Colleges

"Part A - Statewide Plans for Community Colleges

"State Plans

Establishment of committee

"Sec. 1001.(a) Each State Commission (established under section 1202) shall establish a committee, hereinafter in this section referred to as the committee, the membership of which shall include representatives of -

"(1) all State agencies having responsibility for, or an interest in postsecondary education;

"(2) the community colleges in the State and local agencies having responsibility for supervision or control of such colleges; and

"(3) the general public.

At least one half of the members of the committee shall be persons with direct responsibility for the operation of a community college; one of which persons shall be designated by the Governor of the State as chairman of the committee.

CONFERENCE AGREEMENT

Title X, Part A - Establishment and Expansion of Community Colleges

Subpart 1 -- Statewide Plans

Sec. 1001. (a) Each State Commission (established or designated under section 1202) of each State which desires to receive assistance under this subpart shall develop a statewide plan for the expansion or improvement of postsecondary education programs in community colleges or both. Such plan shall among other things -

Contents of plan to be developed by 1202 State Commission

(1) designate areas, if any, of the State in which residents do not have access to at least two years of tuition-free or low-tuition postsecondary education within reasonable distance;

(2) set forth a comprehensive statewide plan for the establishment, or expansion, and improvement of community colleges, or both, which would achieve the goal of making available, to all residents of the State an opportunity to atter a community college (as defined in section 1018);

(3) establish priorities for the use of Federal and non-Federal financial and other resources which would be necessary to achieve the goal set forth in clause (2);

(4) make recommendations with respect to adequate State and local financial support, within the priorities set forth pursuant to clause (3), for community colleges;

(5) set forth a statement analyzin the duplications of postsecondary educational programs and make recommendations for the coordination of

HOUSE AMENDMENT

(2) designate areas of the State in which existing community service institutions cannot meet the postsecondary educational needs of the residents;

Contents of plan developed and adopted by committee

(3) set forth a statewide plan for the establishment, expansion, and improvement of comprehensive community service institutions in order to achieve the goal of making available to all residents of the States, within commuting distance, an opportunity to attend a postsecondary education institution;

(4) establish priorities for the use of financial and other resources in achieving the goal set forth in clause (3);

(5) make recommendations with respect to adequate State and local financial support, within the priorities set forth pursuant to clause (4), for community service institutions of higher education;

(6) recommendations for coordination of duplicating programs in order to eliminate such duplications;

SENATE AMENDMENT

"(b)(1) The committee shall develop and adopt a statewide plan for the expansion and improvement of post-secondary education programs in community colleges. Such plan shall -

Contents of plan developed and adopted by committee

"(A) designate areas of the state in which residents do not have access to at least two years of tuition-free or low-tuition post-secondary education within reasonable commuting distance;

"(B) designate areas of the State in which existing community colleges cannot meet the postsecondary educational needs of the residents;

"(C) set forth a comprehensive statewide plan for the establishment, expansion, and improvement of community colleges in order to achieve the goal of making available, within reasonable commuting distance, to all residents of the State an opportunity to attend a community college;

"(D) establish priorities for the use of financial and other resources in achieving the goal set forth in clause (C);

"(E) make recommendations with respect to adequate State and local financial support, within the priorities set forth pursuant to clause (D), for community colleges;

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such programs in order to eliminate unnecessary or excessive duplications and

(6) set forth a plan for the use of existing and new educational resources in the State in order to achieve the goal set forth in clause (2), including recommendations for the modification of State plans for federally assisted vocational education, community services, and academic facilities as they may affect community colleges.

In carrying out its responsibilities under this subsection, each State Commission shall establish an advisory council on community colleges which shall

Composition of advisory council established by 1202 State Commission

(A) be composed of -

(i) a substantial number of persons in the State (including representatives of State and local agencies) having responsibility for the operation of community colleges;

(ii) representatives of State agencies having responsibility for or an interest in post-secondary education; and

(iii) the general public;

(B) have responsibility for assisting and making recommendations to the State Commission in developing the statewide plan required under this section;

(C) conduct such hearings as the State Commission may deem advisable; and

(D) pursuant to requirements established by the State Commission, provide each State and local agency within the State responsible for postsecondary education an opportunity to review and make recommendations with respect to such plan.

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(7) set forth a plan for the use of existing and new educational resources in the State in order to achieve the goal set forth in clause (3), including recommendations for the modification of State plans for federally assisted vocational education, community services, and academic facilities as they may affect postsecondary education institutions.

Authorization

(c)(1) There are hereby authorized to be appropriated $16,000,000 during the period beginning July 1, 1972, and ending July 1, 1974, to carry out the provisions of this title.

(2) Sums appropriated pursuant to paragraph (1) shall be equitably allotted by the Commissioner among the States on the basis of the amount needed by each State for the purpose of this section, except that no such allotment to any State shall be less than $100,000 except that in the case of American Samoa and the Trust Territory of the Pacific Islands such allotment shall not be more than $50,000 each. Such sums shall remain available until expended.

(d) For purposes of this title, the term "State" includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

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"(F) set forth a statement analyzing the duplications of postsecondary educational programs and make recommendations for coordination of such programs in order to eliminate such duplications;

"(G) set forth a plan for the use of existing and new educational resources in the State in order to achieve the goal set forth in clause (C), including recommendations for the modification of State plans for federally assisted vocational education, community services, and academic facilities as they may affect community colleges.

"(2) Each plan developed and adopted pursuant to paragraph (1) shall be submitted, through the State Commission of the State for which it is developed, to the Commissioner for his approval. The Commissioner shall not approve a plan submitted pursuant to this paragraph unless he determines that (A) the plan has been developed on the basis of hearings conducted throughout the State in which all interested parties have been given an opportunity to present their views and (B) each State and local agency responsible for postsecondary education has had an opportunity to review and make recommendations with respect to the plan.

Authorization

"(c)(1) There is hereby authorized to be appropriated $15,700,000 during the period beginning July 1, 1972 and ending July 1, 1974, to carry out the provisions of this section.

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Authorization

(b)(1) There is hereby authorized to be appropriated $15,700,000 during the period beginning July 1, 1972, and ending June 30, 1974, to carry out the provisions of this section.

(2) Sums appropriated pursuant to paragraph (1) shall be allotted by the Commissioner equally among the States, except that the amount allotted to Guam, American Samoa, and the Virgin Islands shall not exceed $100,000 each. Such sums shall remain available until expended.

(c) Each plan developed and adopted pursuant to subsection (a) shall be submitted to the Commissioner for his approval. The Commissioner shall not approve any plan unless he determines that it fulfills the requirements of this section.

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"(2) Sums appropriated pursuant to paragraph (1) shall be allotted by the Commissioner equally among the States, except that the amount allotted to Guam, American Samoa, and the Virgin Islands shall not exceed $100,000 each. Such sums shall remain available until expended.

"(d) The State plan for federally assisted vocational education, community services, or academic facilities of each State shall be modified by June 30, 1976, in accordance with the plan the Commissioner has approved from that State submitted pursuant to subsection (b).

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Title XIV - Occupational Education

State Administration

Designation or establishment of state agency

Sec. 1413.(a) Any State desiring to participate in the program authorized by this title shall in accordance with State law designate or establish a State agency which will have sole responsibility for fiscal management and administration of the program, and which will provide assurances satisfactory to the Commissioner that -

(1) such State agency shall submit to the Commissioner a plan of administration which makes adequate provision for effective participation in the planning, design, administration, and evaluation of the program authorized by this title of persons with broad experience in the fields of -

(A) public and private community and junior college education,

(B) postsecondary vocational and technical education,

(C) occupational education in private, proprietary institutions,

(D) economic and industrial development,

(E) manpower development and training,

(F) academic education at the college and university level,

(G) secondary vocational and technical education,

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(Senate Amendment did not include provision comparable to proposed Occupational Education Act in House Amendment)

CONFERENCE AGREEMENT

Designation or establishment of State Administrative Agency

Sec. 1055.(a) Any State desiring to participate in the program authorized by this part shall in accordance with State law establish a State agency or designate an existing State agency which will have sole responsibility for fiscal management and administration of the program, in accordance with the plan approved under this part, and which adopts administrative arrangements which will provide assurances satisfactory to the Commissioner that -

(1) the State Advisory Council on Vocational Education will be charged with the same responsibilities with respect to the program authorized by this part as it has with respect to programs authorized under the Vocational Education Act of 1963;

(2) there is adequate provision for individual institutions or groups of institutions and for local educational agencies to appeal and obtain a hearing from the State Administrative Agency with respect to policies, procedures, programs, or allocation of resources under this part with which such institution or institutions or such agencies disagree.

(b) The Commissioner shall approve any administrative arrangements which meet the requirements of subsection (a), and shall not finally disapprove any such arrangements

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(H) elementary and secondary education,

(I) elementary and secondary counseling and guidance, and

(J) industry, commerce, and labor.

(2) the State Advisory Council for Vocational Education will be charged with the same responsibilities with respect to the program authorized by this title as it has with respect to programs authorized under the Vocational Education Act of 1963;

(3) there is an administrative device which provides reasonable promise for resolving differences between vocational educators, community and junior college educators, college and university educators, elementary and secondary educators, and other interested groups with respect to the administration of the program authorized under this title; and

(4) there is adequate provision for individual institutions or groups of institutions and for local educational agencies to appeal and obtain a hearing from the State administrative agency with respect to policies, procedures, programs, or allocation of resources under this title with which such institution or institutions or such agency disagree.

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[redacted]rding the State [redacted]ve Agency a reasonable [redacted]unity for a hearing. Upon the final disapproval of any arrangement, the provisions for judicial review set forth in section 1058(b) shall be applicable.

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(b) The Commissioner shall approve any plan of administration which meets the requirements of subsection (a), and shall not finally disapprove any plan without affording the State administrative agency a reasonable opportunity for a hearing. Upon final disapproval of any plan, the provisions for judicial review set forth in section 1417(b) shall be applicable.

Authorization of Grants for State Occupational Education Programs

Grants to State Agency

Sec. 1414. From sums made available for grants under this section pursuant to sections 1403 and 1404, the Commissioner is authorized to make grants to States to assist them in planning and administering high-quality programs of post-secondary occupational education which will be available to all persons in all parts of the State who desire and need such education, and to promote occupational orientation and education in the regular elementary and secondary school programs.

Planning Grants for State Occupational Education Programs

Sec. 1415.(a) Upon the application of a State under section 1413, the Commissioner shall make available to the State the amount of its allotment under section 1404 for the following purposes -

(1) to assist the State administrative agency established in meeting the requirements of section 1413;

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Planning Grants for State Occupational Education Programs

Grants to State on application of 1202 State Commission

Sec. 1056(a) Upon the application of a State Commission (established or designated pursuant to section 1202), the Commissioner shall make available to the State the amount of its allotment under section 1052 for the following purposes -

(1) to strengthen the State Advisory Council on Vocational Education in order

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(2) to strengthen the State Advisory Council on Vocational Education in order that it may effectively carry out the additional functions imposed by this title; and

(3) to enable the agency designated or established under section 1413 to initiate and conduct a comprehensive program of planning for the establishment and carrying out of the program authorized by this title.

(b)(1) Planning activities initiated under clause (3) of subsection (a) shall include -

Planning activities by State Agency

(A) an assessment of the existing capabilities and facilities for the provision of post-secondary occupational education, together with existing needs and projected needs for such education in all parts of the State;

(B) thorough consideration of the most effective means of utilizing all existing institutions within the State capable of providing the kinds of programs funded under this title, including (but not limited to) both private and public community and junior colleges, area vocational schools, accredited private proprietary institutions, technical institutes,

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that it may effectively carry out the additional functions imposed by this part; and

(2) to enable the State Commission to initiate and conduct a comprehensive program of planning for the establishment of the program authorized by this part.

(b)(1) Planning activities initiated under clause (2) of subsection (a) shall include -

Planning activities by 1202 State Commission

(A) an assessment of the existing capabilities and facilities for the provision of postsecondary occupationa education, together with existing needs and projected needs for such education in all parts of the State;

(B) thorough consideration of the most effective means of utilizing all existing institutions within the State capable of providing the kinds of programs assist under this part, including (but not limited co) both private and public community and junior colleges, area vocational schools, accredit private proprietary institutions, technical institutes, manpower skill centers, branch institutions of State colleges or universities and public and private colleges and universities;

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manpower skill centers, branch institutions of State colleges or universities, and public and private colleges and universities;

(C) the design of high-quality instructional programs to meet the needs for post-secondary occupational education and the development of an order of priorities for placing these programs in operation;

(D) the development of a long-range strategy for infusing occupational education (including general orientation, counseling and guidance, and placement either in a job or in post-secondary occupational programs) into elementary and secondary schools on an equal footing with traditional academic education, to the end that every child who leaves secondary school is prepared either to enter productive employment or to undertake additional education at the postsecondary level, but without being forced prematurely to make an irrevocable commitment to a particular educational or occupational choice; and

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(C) the development of an administrative procedure which provides reasonable promise for resolving differences between vocational educators, community and junior college educators, college and university educators, elementary and secondary educators, and other interested groups with respect to the administration of the program authorized under this part; and

(D) the development of a long-range strategy for infusing occupational education (including general orientation, counseling and guidance and placement either in a job or in postsecondary occupational programs) into elementary and secondary schools on an equal footing with traditional academic education, to the end that every child who leaves secondary school is prepared either to enter productive employment or to undertake additional education at the postsecondary level, but without being forced prematurely to make an irrevocable commitment to a particular educational or occupational choice; and

(E) the development of procedures to insure continuous planning and evaluation, including the

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(E) the development of procedures to insure continuous planning and evaluation, including the regular collection of data which would be readily available to the State administrative agency, the State Advisory Council on Vocational Education, individual educational institutions, and other interested parties (including concerned private citizens).

(2) Planning activities carried out under this section shall involve the active participation of -

Participation in Planning

(A) the State board for vocational education;

(B) the State agency having responsibility for community and junior colleges;

(C) the State agency having responsibility for higher education institutions or programs;

(D) the State agency responsible for administering public elementary and secondary education;

(E) the State agency responsible for programs of adult basic education;

(F) representatives of all types of institutions in the State which are conducting or which have the capability and desire to conduct programs of postsecondary occupational education;

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regular collection of data which would be readily available to the State administrative agency, the State Advisory Council on Vocational Education, individual educational institutions, and other interested parties (including concerned private citizens).

(2) Planning activities carried on by the State Commission under this section shall involve the active participation of -

Participation in Planning

(A) the State board for vocational education;

(B) the State agency having responsibility for community and junior colleges;

(C) the State agency having responsibility for higher education institutions or programs;

(D) the State agency responsible for administering public elementary and secondary education;

(E) the State agency responsible for programs of adult basic education;

(F) representatives of all types of institutions in the State which are conducting or which have the capability and desir to conduct programs of post-secondary occupational education;

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(G) representatives of private, nonprofit elementary and secondary schools;

(H)* the State employment security agency, the State agency responsible for apprenticeship programs, and other agencies within the State having responsibility for administering manpower development and training programs;

(I) the State agency responsible for economic and industrial development;

(J) persons familiar with the occupational education needs of the disadvantaged, of the handicapped, and of minority groups; and

(K) representatives of business, industry, organized labor, and the general public.

Approval of applications for grants subject to assurance that planning has been carried out

(c) The Commissioner shall not approve any application for a grant under section 1416 of this title unless he is reasonably satisfied that the planning described in this section (whether or not assisted by a grant under this section) has been carried out.

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(G) representatives of private, nonprofit elementary and secondary schools;

(H) the State employment security agency, the State agency responsible for apprenticeship programs, and other agencies within the State having responsibility for administering manpower development and training programs;

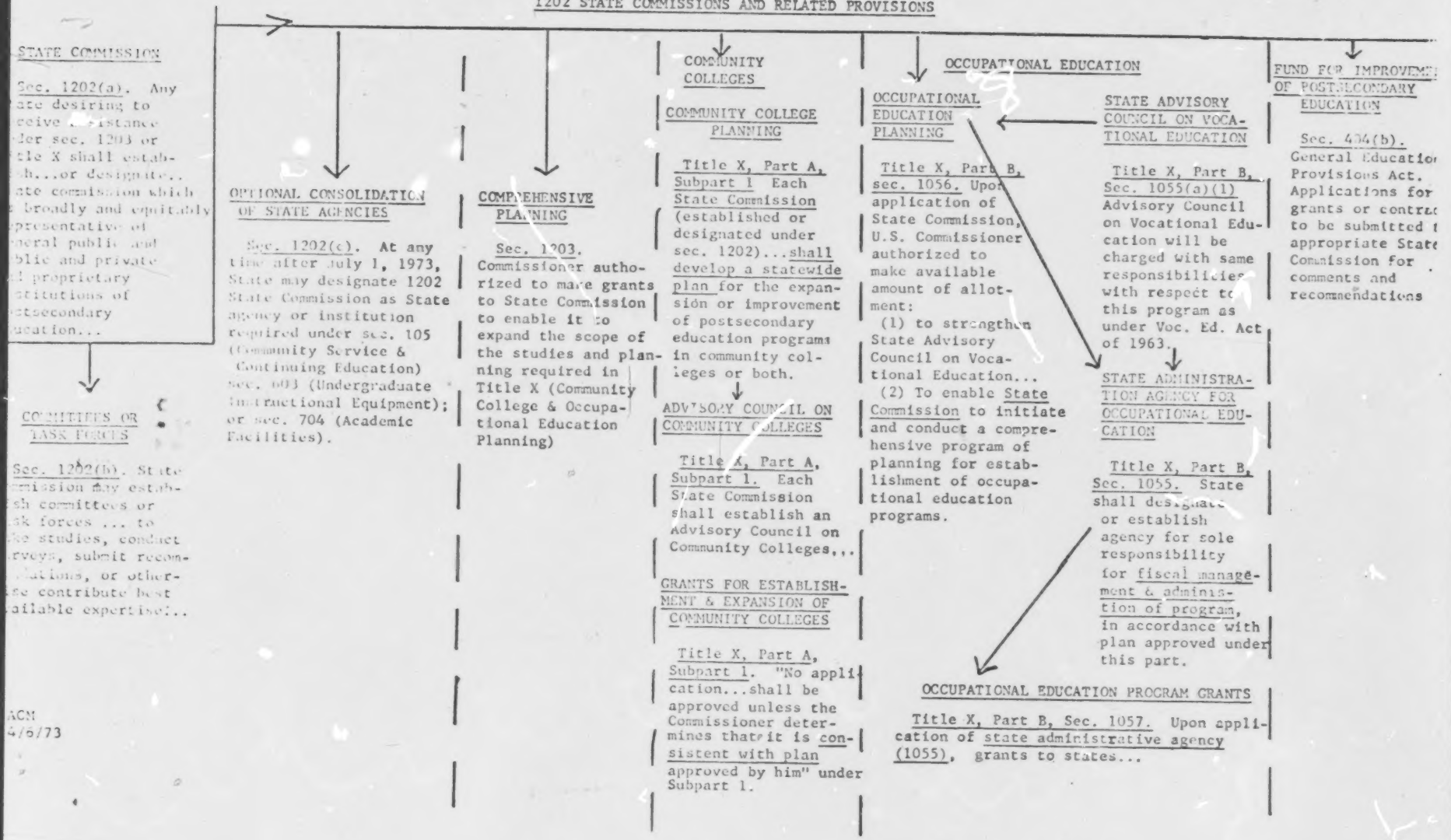
(I) the State agency responsible for economic and industrial development;

(J) persons familiar with the occupational education needs of the disadvantaged, of the handicapped, and of minority groups; and

(K) representatives of business, industry, organized labor, agriculture, and the general public.

Approval of grants subject to assurance that planning has been carried out

(c) The Commissioner shall not approve any application for a grant under section 1057 of this part unless he is reasonably satisfied that the planning described in this section (whether or not assisted by a grant under this section) has been carried out.


1202 STATE COMMISSIONS AND RELATED PROVISIONS
STATE COMMISSION
Sec. 1202(a). Any ate desiring to ceive ...sistance der sec. 1203 or tle X shall estab- h...or designate.. ate commission which broadly and equitably presentative of neral public and blic and private l proprietary stitutions of stsecondary ucation...
COMMITTEES OR TASK FORCES
Sec. 1202(b). State mission may estab- sh committees or sk forces ... to ke studies, conduct rveys, submit recom- dations, or other- se contribute best ailable expertise:..
OPTIONAL CONSOLIDATION OF STATE AGENCIES
Sec. 1202(c). At any time after July 1, 1973, State may designate 1202 State Commission as State agency or institution required under sec. 105 (Community Service & Continuing Education) sec. 603 (Undergraduate Instructional Equipment); or sec. 704 (Academic Facilities).
COMPREHENSIVE PLANNING
Sec. 1203. Commissioner authorized to make grants to State Commission to enable it to expand the scope of the studies and planning required in Title X (Community College & Occupational Education Planning)
COMMUNITY COLLEGES
COMMUNITY COLLEGE PLANNING
Title X, Part A, Subpart 1 Each State Commission (established or designated under sec. 1202)...shall develop a statewide plan for the expansion or improvement of postsecondary education programs in community colleges or both.
ADVISORY COUNCIL ON COMMUNITY COLLEGES
Title X, Part A, Subpart 1. Each State Commission shall establish an Advisory Council on Community Colleges,..
GRANTS FOR ESTABLISHMENT & EXPANSION OF COMMUNITY COLLEGES
Title X, Part A, Subpart 1. "No application...shall be approved unless the Commissioner determines that it is consistent with plan approved by him" under Subpart 1.
OCCUPATIONAL EDUCATION
OCCUPATIONAL EDUCATION PLANNING
Title X, Part B, sec. 1056. Upon application of State Commission, U.S. Commissioner authorized to make available amount of allotment:
(1) to strengthen State Advisory Council on Vocational Education...
(2) To enable State Commission to initiate and conduct a comprehensive program of planning for establishment of occupational education programs.
STATE ADVISORY COUNCIL ON VOCATIONAL EDUCATION
Title X, Part B, Sec. 1055(a)(1) Advisory Council on Vocational Education will be charged with same responsibilities with respect to this program as under Voc. Ed. Act of 1963.
STATE ADMINISTRATION AGENCY FOR OCCUPATIONAL EDUCATION
Title X, Part B, Sec. 1055. State shall designate or establish agency for sole responsibility for fiscal management & administration of program, in accordance with plan approved under this part.
OCCUPATIONAL EDUCATION PROGRAM GRANTS
Title X, Part B, Sec. 1057. Upon application of state administrative agency (1055), grants to states...
FUND FOR IMPROVEMENT OF POSTSECONDARY EDUCATION
Sec. 404(b). General Education Provisions Act. Applications for grants or contracts to be submitted to appropriate State Commission for comments and recommendations

ACM
4/6/73

B-2. Chart: Interrelationships Among Conference Agreement Provisions

C-1. Senate Report

STATE COMMISSIONS ON HIGHER EDUCATION

The Committee is recommending that the language under present law which requires the use of State Commissions for Higher Education facilities be transferred to section 1202 of the Higher Education Act of 1965. In recommending this transfer, it is the Committee's intent that all Federal programs which function through State Commissions be handled by a single Commission in each State, and that the State Commission for each State by the same Commission or Board of Higher Education which is in charge of planning and coordinating higher education for the State Government. This single State Commission concept presents some difficulties in the case of private institutions of higher education and community colleges. However, these difficulties are not insurmountable.

The transition language used in section 163(c)(3) is designed to permit the Facilities Commissions to continue in operation through the transition period, and at the same time, to allow for a period in which State Legislatures can alter State law with respect to those State Higher Education Boards which are now in existence. If impediments to having State Boards which are broadly representative of the public and of private institutions of higher education and community colleges exist, then the States may wish to set up a mechanism where advisory councils which are so representative can be used for the purposes of Federal law. Since Federal functions are entirely funded by Federal funds, insurmountable impediments in State law need not cripple the Federal functions of these State Commissions. It is the expectation of this Committee that the Commissioner will exercise due discretion in recognizing the designations or creations of the States for the purposes of section 1202. There is no intention on the part of the Committee to override State law. It is intended that there be coordination at the State level, and, to the extent possible, elimination of duplication of effort.

The above is extracted from Senate Report No. 92-346 Education Amendments of 1971. Report of the Committee on Labor and Public Welfare, United States Senate on S659 to Amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and Related Acts, and for Other Purposes. Washington, D.C.: U.S. Government Printing Office. 1971. Pages 63 and 64.

C-2. House Report

TITLE XVII—STATE PLANNING

The Committee was impressed by the desirability of state planning in the areas of postsecondary education. The needs of society are too great and its resources too limited to allow duplication, omissions and waste.

The primary responsibility for effective planning for postsecondary education, public and private, rests with the states. To be effective such planning must embrace the full spectrum of postsecondary public, private, and proprietary educational activities—short-term occupational education, community colleges, and technical institutes, four-year institutions, and graduate and professional schools.

Factors to be considered include:

1. Apparent scarcity of resources for further support and expansion of postsecondary education at state and national levels.
2. Increasing emphasis on public accountability for all forms of education and postsecondary education in particular.
3. The apparent imbalance between educational production and manpower needs. There is a present over-supply of certain kinds of highly educated manpower and an under-supply of others.
4. The financial plight of many private higher education institutions.
5. Resistance to increased taxation.
6. General acceptance of the goal of equality of postsecondary educational opportunity.
7. Need for postsecondary occupational education.
8. Development of sophisticated informational and management tools for postsecondary education systems.

State wide planning is a relatively recent phenomenon in postsecondary education. In 1960 there was only a handful of state planning agencies; today 46 states have legislatively authorized agencies with state wide planning as a primary function.

TYPES OF STATE COORDINATING AGENCIES

Category and State	Title of present agency	Year first created	Membership	
			Public	Institutional
I. No state agency (2):				
Delaware				
Vermont				
II. Volunatry association (2):				
Indiana	Inter-institutional Study Committee	1951	0	4
Nebraska	Coordinating Council Steering Committee	1966	0	10

The above from House of Representatives Report No. 92-554, Higher Education Act of 1971, Pages 82, 83 and 84.

TYPES OF STATE COORDINATING AGENCIES—Continued

Category and State	Title of present agency	Year first created	Membership	
			Public	Institutional
III. Coordinating board (27):				
a. Institutional majority advisory powers (2):				
California	Coordinating Council for Higher Education.	1960	6	[1] 12
Minnesota	Higher Education Coordinating Commission.	1965	8	[3] 10
b. Public majority advisory powers (11):				
Alabama	Commission on Higher Education	1969	9	0
Arkansas	Commission on Coordination of Higher Education Finance	1961	10	0
Kentucky	Council on Public Higher Education	1934	9	6
Maryland	Council for Higher Education	1962	9	[2] 4
Michigan	State Board of Education	1963	8	0
Missouri	Commission on Higher Education	1963	6	[2] 4
Pennsylvania	State Board of Education	1963	15	2
South Carolina	State Advisory Commission on Higher Education.	1962	7	6
Virginia	State Council for Higher Education	1956	10	0
Washington	Higher Education Coordinating Commission.	1969	15	[3] 10
Wyoming	Higher Education Council	1969	10	0
c. Public majority regulatory powers (14):				
Colorado	Commission on Higher Education	1965	7	0
Connecticut	Commission for Higher Education	1965	12	[2] 4
Illinois	Board of Higher Education	1957	8	5
Louisiana	Coordinating Council for Higher Education.	1959	13	2
Massachusetts	Board of Higher Education	1965	6	[3] 5
New Jersey	do	1965	9	[3] 6
New Mexico	Board of Educational Finance	1951	11	0
New York	Board of Regents	1784	9	0
North Carolina	Board of Higher Education	1955	15	7
Ohio	Board of Regents	1963	11	0
Oklahoma	State Regents for Higher Education	1941	9	0
Tennessee	Higher Education Commission	1967	9	0
Texas	Coordinating Board, Texas College and University System.	1955	18	0
Wisconsin	Coordinating Council for Higher Education.	1955	9	8
IV. Consolidated governing board (19):				
Alaska	Board of Regents	1935	8	0
Arizona	do	1945	10	0
Florida	do	1905	9	0
Georgia	do	1931	15	0
Hawaii	do	1907	10	1
Idaho	State Board of Education	1912	9	0
Iowa	State Board of Regents	1909	9	0
Kansas	Board of Regents	1913	9	0
Maine	Board of Trustees of the University of Maine.	1968	15	0
Mississippi	Board of Trustees of State Institutions of Higher Learning.	1910	13	0
Montana	State Board of Education	1889	11	0
Nevada	Board of Regents	1864	9	0
New Hampshire	Board of Trustees	1963	15	9
North Dakota	State Board of Higher Education	1911	9	0
Oregon	do	1929	9	0
Rhode Island	Board of Regents	1969	9	0
South Dakota	do	1857	7	0
Utah	State Board of Higher Education	196[illegible]	15	0
West Virginia	Board of Regents	1[illegible]69	10	0

[1] 3 private.
[2] 2 private.
[3] 1 private.

In title XVII the Committee proposes a program of grants to encourage states to designate or create commissions for planning to meet the postsecondary education needs, including community service needs, of the people of the state. The commission should be broadly representative of the public, private non-profit and proprietary institutions.

The Commissioner is authorized to make grants to state commissions to make inventories, studies and planning of postsecondary education resources and their better coordination and use.

This grant program is authorized through fiscal year 1976 in such sums as may be necessary. A program level of $10 million annually may be anticipated.

The Committee also proposes a two-year program of grants to states that establish a special committee for community post-secondary education planning. Membership of the Committee should include representatives of community colleges and all other post-secondary education institutions. public, private, and proprietary and of those entities including manpower agencies, labor unions, business, industry, and agriculture that are concerned about career and occupational training. Appropriation of $16 million is authorized for the two-year period.

The Committee feels strongly that the Federal assistance should not be used so as to influence the decisions of any state regarding the institutional structure through which it may choose to serve the people in their communities throughout the state. Many states have created systems of junior and community colleges; others have set up a parallel system of technical institutes; others use branch campuses of state colleges and universities. The function of community service is the test, not the form of the institution.

Improvement of Community Colleges and Occupational Education

The Senate amendment contained provisions establishing a program for the improvement of community colleges. The House amendment, in unrelated provisions, established a program of grants for occupational education. The conference substitute retains, in a single title, the major provisions of both amendments. Changes which would be made in the respective programs are described below.

Establishment and Expansion of Community Colleges

Community college planning.—The Senate amendment authorized grants to States to enable committees established by the State Commissions, established under section 1202, to conduct surveys of postsecondary education programs throughout the States and to develop statewide plans for the expansion and improvement of postsecondary education programs in community colleges. Plans so formulated would be submitted through the State Commissions to the Commissioner.

The conference substitute provides that the State Commissions, rather than statutorily required committees, will prepare the statewide plans. The provision in the Senate amendment requiring committees is replaced in the conference substitute by a requirement for the establishment of State advisory councils on community colleges. These councils will have representation of appropriate interests and will make recommendations to the State Commissions on the preparation of the statewide plans. The conference substitute also gives State and local post-secondary education agencies opportunities to review and make recommendations with respect to the plans.

The provision in the Senate amendment requiring State plans for other education programs to be modified to conform to this new statewide plan has been dropped from the substitute.

Grants for community colleges.—The Senate amendment authorized a program of grants to assist States and localities in establishing and expanding community college systems. Appropriations of $50,000,000 for fiscal year 1973, $75,000,000 for fiscal year 1974, and $150,000,000 for fiscal year 1975 were authorized. Appropriations would be apportioned among the States on the basis of relative populations aged 18 and over. The Commissioner was authorized to make three types of grants: (1) establishment grants to new community colleges to assist in their planning, developing, and establishment; (2) expansion grants to existing community colleges to expand enrollments, establish new campuses, and expand and modify educational programs; (3) leasing grants to enable community colleges in connection with their establishment or expansion to lease facilities. In the case of establishment and expansion grants, the Federal share was not to exceed 40 percent of the project cost for the first year of assistance; 30 percent for the second year; 20 percent for the third year; and 10 percent for the fourth year. In the case of grants for leasing facilities, the Federal share was not to exceed 90 percent of the cost for the first year; 70 percent for the second year; 50 percent for the third year; 30 percent for the fourth year and 20 percent for the fifth year.

The conference agreement retains the Senate provisions, except that the Federal share for leasing grants will be 70 percent the first year, 50 percent the second year, 30 percent the third year, and 10 percent the fourth year.

Occupational Education Programs

The House amendment authorized a new program of grants to strengthen occupational preparation, counseling, and placement in elementary and secondary schools, and to improve postsecondary occupational education. For these purposes $100,000,000 was authorized for fiscal year 1972, $250,000,000 for fiscal year 1973; $500,000,000 for fiscal year 1974; and such sums as may be necessary for each year thereafter. From the fiscal year 1972 funds, 80 percent would be allotted to the States and 20 percent would be reserved to the Commissioner for technical assistance. For each year thereafter the allotment and reservation would be 85 percent and 15 percent respectively. The State allotment would be determined by the number of persons sixteen years of age and older in each State relative to other States except that no State would receive less than $100,000 for fiscal year 1972 and no less than $1,000,000 each year thereafter. Any State wishing to receive funds was required to designate or establish a State agency to administer the program. Grants to the States were authorized in fiscal year 1972 for setting up State agencies and for comprehensive planning. Thereafter, grants to States would be for State agency expenses, planning, and actual operational costs of the program. The Secretary of Health, Education, and Welfare and Commissioner of Education were charged with specific responsibilities in develnopig and carrying out programs to promote occupational education.

The conference substitute retains the substance of the House provisions, but with alterations described below:

The House amendment required a comprehensive program of planning for the establishment and carrying out of the occupational education program. The State was required to designate a State agency which would be responsible for comprehensive planning. The conference substitute retains the planning requirements of the House amendment, but it requires that the State agency selected to do the planning be the State Commission established under section 1202. It also authorizes the Commissioner to make technical assistance available to these commissions for planning.

Appropriations are authorized in the amount of $100,000,000 for fiscal year 1973, $250,000,000 for fiscal year 1974, and $500,000,000 for fiscal year 1975.

Postsecondary Education Commissi . and Comprehensive Planning

The Senate amendment provided for the designation or creation by each State of a State agency (called a "State Commission") which would have two types of functions. First, the State Commission would perform the functions which present law assigns to certain existing State commissions; and in addition, as discussed above, these new State Commissions would, through committees, develop and adopt statewide plans for the expansion and improvement of postsecondary programs in community colleges. The second type of function which the new State Commissions would perform would be to carry out comprehensive planning for statewide postsecondary education systems.

The House amendment also provided for the designation or creation of a State agency or commission which would be directed to do comprehensive planning for statewide postsecondary education systems in generally the same manner as is provided under the Senate amendment. The House amendment did not, however, assign to the State Commissions the responsibilities assigned to State commissions by existing law. The House amendment did authorize the State Commissions to establish co. nittees to develop and adopt a statewide plan for the expansion and improvement of community postsecondary education programs.

The conference substitute provides that States which wish to receive grants for comprehensive planning or for community college and occupational education programs provided under the newly created title X of the Higher Education Act must establish a State Commission or designate an existing agency or commission as the "State Commission". As in the case of State Commissions provided for under both the Senate and House amendments, it will be broadly representative of the public and public and private nonprofit and proprietary institutions of postsecondary education.

The conference substitute permits, but does not require, the State Commissions to use committees (which need not be composed entirely of Commission members) and other sources of expertise.

The conference substitute permits, but, unlike the Senate amendment, does not require, the State to designate the State Commission to perform the functions assigned by present law to State agencies or institutions. These provisions of the present Higher Education Act are title I (Community Service and Continuing Education Programs), section 603 (Equipment Grants), and section 704 (higher education facilities construction).

The conference substitute follows the House amendment in providing a separate program of grants for comprehensive planning.

D-1. Resolution from ECS 1972 Annual Meeting

RESOLUTION NUMBER IX

WHEREAS, The Higher Education Amendments of 1972 now before Congress contain far-reaching provisions relating to state postsecondary education commissions and to state planning for community colleges and occupational education;

WHEREAS, These provisions, if they are enacted into law, will cause significant changes in the statewide organization of postsecondary education planning, coordination and governance in many states;

WHEREAS, These provisions will create new relationships between the federal government and the states, between state governments and postsecondary education institutions, and between state structures for postsecondary education coordination and planning and the state structures for public education;

WHEREAS, Uncertainties remain regarding the role of the federal government in mandating specific structures for state planning and coordination of postsecondary education; and

WHEREAS, The effective implementation of these provisions to fulfill the intent of Congress will require the full cooperation and participation of state executive and legislative officials and all elements of the postsecondary educatior

community, and of elementary and secondary education officials as their responsibilities relate to postsecondary career education; therefore be it

RESOLVED, That the Education Commission of the States urges the U. S. Office of Education to provide ample opportunity for immediate participation in the development of regulations to implement these provisions by (a) those with statutory responsibility for implementation at the state level (both executive and legislative); and (b) all appropriate segments of the education community;

RESOLVED, That the Education Commission of the States assume national leadership to accomplish the following:

(1) To assure that the federal regulations developed by the U. S. Office of Education for implementation of these provisions encourage and facilitate effective state planning and coordination of postsecondary education; and provide maximum flexibility for the states regarding the precise structure for implementing the intent of the provisions in a manner consistent with unique state laws, structures and traditions;

(2) To undertake such national and regional educational activities as may be necessary to assist the states and the education community in implementing these provisions.

RESOLVED, That the Education Commission of the States shall assume national leadership in a continuing effort to monitor and evaluate these provisions to determine their impact on the present statewide organization of postsecondary education

in the various states; and to formulate proposals as may be necessary to modify the legislation for future consideration of the federal administration and the Congress.

RESOLVED, That the Education Commission of the States expresses its concern to the Congress and its Appropriations Committees that the funding of the provisions of the Act be sufficient to implement realistically the intent of the programs authorized.

Approved: May 18, 1972

FINAL DISPOSITION: Adopted as Amended
May 18, 1972

D-2. Basic Questions on Section 1202--"State Commissions"

1. Relation to existing higher education agency:
   a. If coordinating board?
   b. If governing board?
   c. If agency is integral to department of education?
      (e.g. New York, Michigan, Rhode Island, Idaho, Florida)
   d. Can the existing agency be augmented for purposes of the Act?

2. Does "broadly and equitably representative" require specific representative appointment or can the requirement be met by the general constitution of the board? For example, must the commission be made up of "advocacy" representatives?

3. Relation of commission to state coordinating or governing boards for community colleges? Relation of advisory council to state coordinating or governing board for community colleges? Specific role of advisory council? Relation of commission and advisory council to department of education in those states where community colleges are under board of education?

4. Under establishment and expansion of community colleges, who administers the programs? Individual institutions? Commission? Community college governing boards? Relation of administration of program to commission? Who determines consistency of program with commission plan?

5. Under postsecondary occupational education, can the agency under Section 1055 be the state commission (1202)? If not, what is or should be the relation between the 1055 agency and the 1202 commission? What is or should be the relation between the 1055 agency, the 1202 commission and existing state vocational education bureaus, departments and boards? What is the relationship between the 1055 sole state agency and the sole state agencies under the Vocational Education Amendments of 1968?

6. Since Title X-Part B specifically concerns postsecondary occupational education, does it supersede arrangements under the Vocational Education Amendments of 1968 for postsecondary vocational education? If so, what guarantees are provided for cooperation without domination by existing secondary education vocational education structures?

7. Under the general statewide planning functions of the commission (1202), are there or can there be assurances that in spite of the specific orientation to community colleges and occupational education, the planning will include the range of postsecondary education? What is or should be the relation of planning under the commission to statewide planning currently underway?

8. How most effectively can state higher education executive officers, chief state school officers, directors of occupational education, community college officers, others including legislative and executive branches of state government and the U. S. Office of Education work together to develop maximum advantage under the Act and to adapt present structures to meet the conditions of the Act without disruption of existing state structures and programs?

9. To what extent is it desirable and how most effectively can Title I, Higher Education Facilities Act, and undergraduate institutional equipment programs, where they are not under the state higher education agencies at present, be brought into the commission structure?

10. To what extent does the involvement of private and proprietary institutions in the structure and work of the commissions constitute legal or other problems for the states? If such problems exist can they be solved through the advisory committee structure?

11. If the "opportunity to comment" on grants and contracts under the program for improvement of postsecondary education by the commissions is to have substance, can there be developed some liaison structure for consideration of policy issues with the state commissions in the program development stage?

D-3. General Assumptions and Conclusions

1. States are to provide better use of financial resources, both federal and state.

2. States are to provide better, more rational and more coordinated postsecondary education services to their students as consumers.

3. Each state should create a closely articulated system of planning for postsecondary education with appropriate coordination with elementary and secondary education.

4. While not directly provided for in the Act, it is within the spirit of the Act that states should be encouraged to seek solutions to postsecondary education problems in high-cost programs or in large interstate urban centers by mutual cooperation across state lines through regional organizations and cooperative state agreements.

5. Emphasis of the Act is on coordinative and comprehensive statewide planning for all postsecondary education with special reference to vocational, occupational and community college education.

6. Occupational education is to be given increased emphasis in American postsecondary education rather than left in limbo or as a third force between the secondary school and higher education.

7. A single comprehensive plan and planning process is to encompass all of public, nonpublic and proprietary postsecondary education in order to lessen the disparate planning efforts of the several state operational and other agencies now planning for one or more elements of postsecondary education.

8. The demand is for an absolute increase in the amount and intensity of state coordination in planning and planning implementation. In the majority of states, this calls for a substantive change in attitude and practice.

9. There is no specific intent to change or to supplant any existing operating agency in any state; however, there is clearly need and intent to achieve the objectives of items 5, 6, 7 and 8 above through a stronger coordinative process in relation to planning through strengthening existing agencies or where necessary consolidating or merging existing agencies rather than creating additional superstructures for planning.

THE 1202 AGENCY

10. Each state will have unique and often complex problems in coordinating the planning of its structures. Thus an acceptable pattern

of coordination for each state may need to be unique to that state. The Act does not require uniformity of structure or a set of particular structures. Custom tailoring to coordinate existing or revised structures will be required.

10A. A state may meet the requirements of 1202 in one of three ways:

a. If responsibilities for planning and coordination of all postsecondary education including nonpublic colleges and universities and proprietary schools are under a single agency, and that agency is broadly representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education, then that existing agency could qualify as the state commission.

b. If an existing agency has responsibilities for planning and coordination for one or more segments of postsecondary education, that agency may take on expanded responsibilities, which may require additional membership on the board of segments of postsecondary education not previously within the scope of the board, and qualify as the state commission.

c. A state may create an entirely new commission to meet the 1202 representative and functional requirements.

10B. The 1202 commission is to be representative of the several educational interest groups mentioned, but not necessarily composed of representatives from such interest groups.

10C. Whichever option suggested in Section X-A is designated, the burden of proof is on the state to prove the representativeness of the functional postsecondary segments delineated in 1202. Representation must be substantive and real.

10D. An existing agency or board which has direct legal governing and administrative powers over one or more segments of postsecondary education but not over all segments of postsecondary education requires a special burden of proof that it is sufficiently representative to qualify as the "broadly and equitably representative" commission required under 1202.

10E. As in previous federal laws which required state boards or commissions for administration of the law, the guidelines are to remain silent on who or what legal office or body of the state is "the state" for purposes of appointment of members of or for designating the state commission for 1202 purposes.

11. The 1202 commission is charged with initiating and coordinating the preparation of comprehensive plans for postsecondary education and of accepting from time to time the planning efforts of operating and other planning agencies of the state charged by state law or by the 1202 commission with the preparation of parts of such plans.

12A. While the 1202 commission as designated by the Act is primarily a planning agency, if an existing agency is designated as the 1202 commission it may already have or may be given administrative functions by the state, in addition to the comprehensive planning function for postsecondary education required by Title XII. If a new agency, the 1202 commission may be given additional functions by the state. However, in either case the specific planning functions called for by the Act should be clearly differentiated for purposes of the Act from other functions the commission may perform.

THE 1055 AGENCY AND ITS RELATIONSHIP TO THE 1202 COMMISSION

13A. The 1055 agency "solely responsible for fiscal management and administration" may be:

a. An existing state agency charged with the functions cited in Section 1055.

b. A new agency established for the purposes cited in Section 1055.

c. The 1202 commission.

13B. The 1202 commission has the responsibility to initiate and conduct a comprehensive program of planning for postsecondary education.

The 1202 commission may designate the 1055 agency to aid in the development of the state plans and programs, however, all plans developed by the 1055 agency are subject to review and approval of the 1202 commission prior to submission to the commissioner.

13C. The 1202 commission in its comprehensive state plan for postsecondary education will delineate the relationships of the 1055 agency with the state commission if the 1202 commission is not also the 1055 agency.

13D. The 1055 agency, upon approval by the commissioner of the postsecondary education plan of the state commission, becomes the agency "solely responsible for fiscal management and administration" of the plan relating to Title X, Part B.

THE STATE ADVISORY COUNCIL ON VOCATIONAL EDUCATION

14A. The state advisory council on vocational education (already existing in all states as a part of the Vocational Education Act of 1963 and Amendments of 1968) is charged with reviewing and making such suggestions as it desires on the overall state program developed under Part B, Title X prior to final approval by the 1202 commission or the 1055 agency, or both as the case may be in a state.

14B. The council does not have authority to review or make recommendations on the individual projects proposed for grant funding under the general state program.

14C. Consensus on principles should be reached, but not approval that the additional funding of the advisory council for vocational education for responsibilities under Title X, Part B should be the same percentage as existing formulas for operations performed under the Vocational Education Act of 1963 and Amendments of 1968.

THE ADVISORY COUNCIL ON COMMUNITY COLLEGES

15A. The advisory council on community colleges is established by the 1202 state commission with membership as designated in Section 1001 A.

15B. It would appear unlikely that state governing boards for community colleges could satisfy Section 1001 in regard to advisory councils for community colleges due to the requirement of representation as noted in Section 1018. However, if a community college board meets this condition, there is no reason why it could not be so designated by the 1202 commission.

15C. Representatives from the state community college agencies must be members of the council.

15D. The state advisory council on vocational education cannot be designated the advisory council for the community colleges.

15E. It seems desirable for the community college and the vocational education advisory councils to have some overlap in membership.

PLANNING PROCESS

16. All postsecondary education agencies and institutions are to be involved or considered in the actual planning process by providing information and suggestions, participating on task forces and councils or contributing in or to advisory panels and committees. The inclusion of public and nonpublic colleges and universities, private and proprietary institutions and agencies is essential.

17. Comprehensive planning by its nature may include a reexamination of, and recommendations on, the operating domains of institutions and agencies of postsecondary education, with special reference to their articulation in promoting the objectives cited above in items 1 through 8.

NATURE OF GUIDELINES

1. Guidelines ought to help facilitate the establishment and the federal acceptance of the state planning agency required under Section 1202 in as short a time period as is consistent with meeting the several intents of the Act in relation to planning, coordination and articulation.

2. The persons who generate the guidelines should be informed by the experience gained in establishing the state commissions required

under the Higher Education Facilities Act of 1963 and Title I of the Higher Education Act of 1965, as well as other federal legislation requiring administration through state agencies.

3. The intent throughout the guidelines should be for sufficient flexibility to allow states to meet the intents of the Act in a reasonable and perhaps unique way, but at the same time being very careful to require compliance which will assure that the intents mentioned in the items above are fully met.

D-4. Acting Commissioner of Education Letter of March 7, 1973

Department of Health, Education, and Welfare
Office of Education
Washington, D.C., March 7, 1973

Dear Colleague:

The purpose of this letter is to bring you up to date on recent developments concerning the State Postsecondary Education Commissions authorized under Section 1202 of the Higher Education Act, as amended.

We received almost 500 substantive responses to our invitation of December 4 for interested parties to comment on the Preliminary Report from the Task Force on State Postsecondary Education Commissions. These comments were analyzed by the Task Force during the period of December 18-January 12, and a Revised Report, including preliminary draft regulations, was transmitted from the Task Force to this office on February 1.

The Education Amendments of 1972 had envisioned major functions and responsibilities for the State Postsecondary Education Commissions in connection with the new authorizations for Comprehensive Statewide Planning (HEA Section 1203), Community College Education (HEA Title X, Part A), Occupational Education (HEA Title X, Part B), and Improvement of Postsecondary Education (GEPA Section 401). In addition, the law had authorized the Section 1202 State Commissions to serve as State administrative planning Commissions for existing programs in Community Services and Continuing Education (HEA Title I), Equipment for Undergraduate Instruction (HEA Title VI), and Grants for Construction of Undergraduate Academic Facilities (HEA Title VII).

However, the Federal Budget for FY 74 provides almost no functions for the Section 1202 State Commissions to perform. The community service, instructional equipment and academic facilities grant programs are scheduled to be terminated, and no funding is provided to implement any of the community college or occupational education authorities. Furthermore, while the budget does provide $15 million to support projects and programs for improvement of postsecondary education, it is our opinion that the implementation of the improvement of postsecondary education authority alone does not warrant the establishment of the Commissions at this time.

Under the circumstances, it has been determined that we should indefinitely defer our plans for distribution of the Revised Report of the Task Force, and suspend all activity relative to establishment of the Section 1202 State Commissions.

We want to express our thanks to all of you who have made suggestions and comments concerning the Section 1202 State Commissions, and to assure you that your thoughts have been taken seriously into account in the revisions to date.

Sincerely,

John Ottina,
Acting U.S. Commissioner of Education

D-5. Colloquy Between Rep. Dellenback and Other Congressmen -- Congressional Record -- House; December 5, 1973.

MR. DELLENBACK -- Mr. Speaker, I thank the gentleman from Illinois for yielding me this time.

Mr. Speaker, I would like to address a question to the distinguished chairman of the subcommittee on the conference's intent as it relates to a $3 million item labeled "State Postsecondary Education Commissions" in the conference report.

The Education Amendments of 1972 authorized the creation by States of new planning commissions which would include representatives of the broad spectrum of postsecondary education as well as the general public. These State commissions have come to be known as "1202 Commissions" since their authority derives from section 1202(a) of the Higher Education Act of 1965, as amended.

The authority for making appropriations to be used by these commissions is found in section 1203.

We have learned from the Office of Education this week that 10 States -- Alabama, Louisiana, Maryland, New Hampshire, Oklahoma, Oregon, South Dakota, Texas, Virginia and Washington -- and the Commonwealth of Puerto Rico have notified the Office of Education of their designation of a 1202 Commission. In addition at least seven other States -- California, Connecticut, Mississippi, Missouri, Montana, New Mexico and Wyoming -- are known to have also designated commissions, but they have not notified the Office of Education. The reason for this may be that the Office of Education has not yet formally published regulations for these commissions.

My question for the chairman is this: Did the conference committee intend that those States which voluntarily create commissions in compliance with section 1202(a) be able to apply for and receive some of the $3 million appropriations for State postsecondary commissions recommended in the conference report?

MR. FLOOD -- The gentleman is correct. The conferees agreed to $3 million as contained in the House bill for State postsecondary commissions. On page 21, line 14, of the bill you will find the legal citation of section 1203 of the Higher Education Act. It would follow that the intent of the conferees is that the Office of Education would make grants under section 1203 to those States which have created commissions qualifying under that authority.

MR. DELLENBACK -- I thank the gentleman for his clarification on this matter. Could I ask the ranking member of his subcommittee, MR. MICHEL, if this is his understanding as well?

MR. MICHEL -- I agree completely with my chairman. The Office of Education may have already spent some of this money under the continuing resolution to phase out the old facilities commissions. But it is our

intent that a substantial portion of this appropriation should be made available to any of the 17 States that have already designated commissions under section 1202(a) or to other States that may do so in the near future.

MR. DELLENBACK -- Mr. Speaker, I appreciate knowing the intent of the conference committee on this matter. I believe that enough States have indicated an interest -- and indeed have taken action to implement -- the concept of involving all aspects of the very broad postsecondary education enterprise, both public and private, in planning to meet the future needs of students in their respective States. It is time for the Office of Education to do whatever is necessary to see that those States which do comply with the criteria set out in section 1202(e) get assistance from this appropriation to move ahead in launching the work of these important commissions.

I thank the gentleman for yielding time.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
WASHINGTON, D.C. 20202

March 1, 1974

D-6. Commissioner of Education letter of March 1, 1974

Dear Governor:

You are perhaps aware that the Labor-HEW Appropriations Act for Fiscal Year 1974 includes the sum of $3 million for Federal support of State Postsecondary Education Commissions. These monies have been made available by the Congress under the appropriation authority contained in Section 1203 of the Higher Education Act of 1965 (as amended in 1972), which provides that State Commissions established pursuant to Section 1202 of the same Act may apply to the U.S. Commissioner of Education for grant funds and/or technical assistance to support "...comprehensive inventories of, and studies with respect to all public and private postsecondary educational resources in the State, including planning necessary for such resources to be better coordinated, improved, expanded or altered so that all persons within the State who desire, and who can benefit from post-secondary education may have an opportunity to do so."

In approving the $3 million appropriation which the Administration had requested, Congress recognized that much of the money would need to be obligated to support the Higher Education Facilities Commissions; and, indeed, that some of this money had already been obligated for this purpose under the continuing resolution. At the same time, however, the Congress also stated its intention "that a substantial portion of this appropriation should be made available" for Section 1203 planning grants and/or technical assistance to those States which desire to establish State Post-secondary Education Commissions under Section 1202. And finally, the Congress called upon the U.S. Office of Education "to do whatever is necessary" to see that those States which comply with the criteria for Postsecondary Education Commissions set forth in Section 1202 of the Higher Education Act, as amended, will "get assistance from this appropriation to move ahead in launching the work of these important commissions."

In accordance with Congressional intent, and after a careful review of the work which the Higher Education Facilities Commissions must complete during the remainder of Fiscal Year 1974, we have moved to limit the aggregate total of State allotments for work performed by the facilities commissions to a maximum figure of $2 million, leaving at least $1 million of the Section 1203 appropriation for FY 74 available to fund applications from Section 1202 State Commissions for Section 1203 planning grants and/or technical assistance.

With this action accomplished, we are now confronted with the question of what is necessary to bring about establishment of State Postsecondary Education Commissions which (a) will comply with the criteria set forth in Section 1202(a) of the Higher Education Act, and (b) will thereby qualify to apply for and receive Section 1203 planning grant funds and/or technical assistance from the $1 million which the U.S. Office of Education has reserved for such purposes in accordance with instructions from the Congress.

In reviewing the rather lengthy and substantial record of discussions on this subject, it seems to me that the salient points are as follows:

(1) There is no general Federal requirement that the States establish Section 1202 Commissions. Only those States which desire to receive assistance under the Section 1203 authority, i.e., from the $1 million which is presently reserved to support that authority, are required to establish Commissions which comply with the criteria set forth in Section 1202(a).

(2) If a State desires to receive Section 1203 assistance, and decides to establish a Section 1202 Commission in order to qualify for such assistance, the law implies three options from which the State may choose in meeting the criteria set forth in Section 1202(a): (a) creation of an entirely new Commission which meets the criteria of Section 1202(a), (b) designation of an existing State agency or State Commission, if it meets the Section 1202(a) criteria, or (c) expanding, augmenting, or reconstituting the membership of an existing State agency or State Commission to meet Section 1202(a) criteria.

(3) The only function which Federal law authorizes the designated 1202 Commission to perform, and for which the $1 million is being reserved from the FY 74 appropriation, is planning for postsecondary education. The expectation is that other State agencies and Commissions, local governments, and institutions of postsecondary education would use the results of planning activities undertaken by the State Commission to carry out their respective administrative responsibilities.

(4) In addition, the law provides two options between which the State may choose in providing for continuing State administration of the Community Services and Continuing Education authority (HEA Section 105), the Equipment for Undergraduate Instruction authority (HEA Section 603), and the Grants for Construction of Undergraduate Academic Facilities authority (HEA Section 704); namely, (a) designation of the Section 1202 Commission to serve as the State agency for purposes of administering any one or more of these program authorities, or (b) maintenance of separate State agencies or Commissions to administer these program authorities.

(5) Finally, and certainly most importantly, whichever option the State chooses to pursue in bringing about the establishment of a Section 1202 Commission, and whatever additional responsibilities the State decides to assign to the Commission beyond the planning responsibilities authorized under Section 1203, Section 1202(a) of the law prescribes that the State Commission must be "broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education in the State including community colleges, junior colleges, postsecondary vocational schools, area vocational schools, technical institutes, four-year institutions of higher education and branches thereof."

This letter is intended as an invitation for you to advise me as to the course of action which will be followed with respect to implementation of Sections 1202 and 1203 of the Higher Education Act, as amended, in your State.

If your State does not desire to establish a Section 1202 State Commission to apply for a planning grant and/or technical assistance under the FY 74 appropriation for Section 1203 planning activities, it would help us if you could notify the U.S. Office of Education of this fact as soon as possible.

If your State does desire to establish a State Commission which meets "broadly and equitably representative" criteria of Section 1202(a), and thereby qualifying said Commission to apply for and receive Section 1202 planning grants and/or technical assistance from the FY 74 appropriations the U.S. Office of Education needs to receive the following information from you by April 15, 1974:

(1) Which of the three options for establishing a Section 1202 Commission has your State chosen to follow: (a) creation of a new Commission, (b) designation of an existing State agency or State Commission, or (c) expanding, augmenting or reconstituting the membership of an existing State agency or State Commission?

(2) Which, if any, of the following State-administered program authorities contained in the Higher Education Act has your State chosen to assign to the Section 1202 Commission:

(a) Community Services and Continuing Education (HEA Section 105)?

(b) Equipment for Undergraduate Instruction (HEA Section 603)?

(c) Grants for Construction of Undergraduate Academic Facilities (HEA Section 704)?

(3) What is the Commission's official name, address and telephone number?

(4) What are the names, mailing addresses and terms of office of the Commission's members?

(5) What is the name, title, mailing address, and telephone number of the Commission's principal staff officer?

(6) A letter signed by you explaining how the membership of your State Commission meets the "broadly and equitably representative" requirements of Section 1202(a) at the present moment, and what provisions have been made to insure continuing compliance with these requirements of the law.

We hope you will find the procedure outlined in this letter to be comfortable, convenient, and effective in carrying out the intent of Congress with maximum respect for the prerogatives of the States. Several States have previously communicated with the U.S. Office of Education about some action or another with respect to Section 1202. Since we had not decided which approach or what conditions and criteria would be used to activate the Section 1203 planning grants program, the U.S. Office of Education is not in a position to recognize any correspondence prior to this letter as sufficient evidence of compliance with the procedures now agreed upon and set forth above.

If you have any questions or concerns, please get in touch with me or John D. Phillips, Acting Associate Commissioner for Student Assistance, who can be reached at Area Code 202--245-9436. In the meantime, we will be preparing application materials and funding criteria for the award of Section 1203 planning grants and technical assistance. We expect that planning grants made during this Fiscal Year will remain available for expenditure by the Section 1202 State Commissions through June 30, 1975.

Sincerely,

John Ottina
U.S. Commissioner
of Education

Enclosure: Copy of Sections 1202 and 1203, Higher Education Act of 1965, as amended

cc. State Higher Education Executive Officers
Chief State School Officers
State Higher Education Facilities Commissions (if different than SHEEO)
Executive Officer of State Boards for Vocational Education (if different than CSSO)
Executive Directors of State Community College Boards (if different from all of the above)

D-7. Federal Register, Vol. 39, No. 59 -- Tuesday, March 26, 1974

STATE POSTSECONDARY EDUCATION COMMISSIONS

Closing Date for Receipt of Information
Concerning Establishment

In order for a State to receive funds appropriated during fiscal year 1974 to support comprehensive statewide planning for postsecondary education as authorized under section 1203 of the Higher Education Act of 1965 Pub. L 89- as amended, it must (a) establish a State Postsecondary Education Commission which, as required by section 1202(a), is "broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education in the State including community colleges, junior colleges, postsecondary vocational schools, area vocational schools, technical institutes, four-year institutions of higher education and branches thereof"; and (b) submit the following information to the U.S. Commissioner of Education by April 25, 1974:

(1) Which of the following three options for establishing a section 1202 State Commission the State has chosen to follow: (i) Creation of a new Commission, (ii) Designation of an existing State agency or State Commission, or (iii) expanding, augmenting or reconstituting the membership of an existing State agency or State Commission;

(2) Which, if any of the following State-administered program authorities contained in the Higher Education Act of 1965 has the State chosen to assign to the section 1202 State Commission:

(i) Community Services and Continuing Education (HEA Section 105);

(ii) Equipment for Undergraduate Instruction (HEA Section 603); and

(iii) Grants for Construction of Undergraduate Academic Facilities (HEA Section 704).

(3) The official name, address and telephone number of the State Commission.

(4) The names, mailing addresses and terms of office of the members of the State Commission.

(5) The name, title, mailing address and telephone number of the principal staff officer of the State Commission.

(6) A letter, signed by the Governor, explaining how the membership of the State Commission meets the "broadly and equitably representative" requirements of section 1202(a), and what provisions have been made to ensure continuing compliance with these requirements of the law.

The above information sent by mail will be considered to be received on time by the Commissioner if:

(a) The information was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(b) The information is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education. This information should be addressed to the U.S. Commissioner of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(20 U.S.C. 1142b)

(Catalog of Federal Domestic Assistance Number 13550: State Postsecondary Education Commissions)

Dated: March 21, 1974.

John Ottina
U.S. Commissioner of Education

D-8. Federal Register, Vol. 39 No. 71 -- Thursday, April 11, 1974

Office of Education

POSTSECONDARY EDUCATION COMPREHENSIVE
STATEWIDE PLANNING GRANTS PROGRAM

Program Operation for Fiscal Year 1974
and of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Section 1203 of Title XII of the Higher Education Act of 1965, as amended, (20 U.S.C. 1142b) applications for grants under the Postsecondary Education Comprehensive Statewide Planning Grants Program are being accepted from State Postsecondary Education Commissions. Such Commissions must be established pursuant to section 1202(a) of the Act and the notice which was published in the FEDERAL REGISTER on March 26, 1974 (Vol. 39, No. 59, pp. 11216-17), for the purpose of establishing a closing date of April 25, 1974, for submission of information to the U.S. Commissioner of Education regarding the establishment of such State Commissions.

For fiscal year 1974, approximately $1,000,000 is available for such grants. Such funds will be allocated equally among those State Postsecondary Education Commissions which have been established in accordance with the conditions set forth in the paragraph above. A grant must be used by a State Commission to conduct comprehensive inventories of, and studies with respect to, all public and private postsecondary educational resources in the State, including planning necessary for such resources to be better coordinated, improved, expanded or altered so that all persons within the State who desire, and who can benefit from, postsecondary education may have an opportunity to do so.

Applications for such grants are available from the State Planning Commissions Program Office, Office of Student Assistance, Bureau of Postsecondary Education, U.S. Office of Education, 400 Maryland Avenue S.W., Washington, D.C. 20202. Applications submitted must include the following:

(a) A description of the proposed activities and a statement as to their purposes and objectives;

(b) A brief description of the current comprehensive planning activities for postsecondary education in the State, including a reference to any planning deficiencies which the proposal is intended to correct;

(c) A statement as to the nature of the expected coordination of the proposed activities with institutions and agencies in the State which are concerned with postsecondary education;

(d) A brief description of the methodology to be utilized in the proposed activities;

(e) A statement as to the intended use or implementation of the results to be produced by the proposed activities;

(f) A description of the anticipated benefits to postsecondary education within the State which will result from the project.

Applications must be received by the State Planning Commissions Program, Office of Student Assistance, Bureau of Postsecondary Education, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.550 on or before May 16, 1974.

An application sent by mail will be considered to be received on time by the Office of Education if:

(a) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(b) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

(20 U.S.C. 1142b)

Dated: April 2, 1974

Duane J. Mattheis,
Acting U.S. Commissioner
of Education

(Catalog of Federal Domestic Assistance Number 13.550; State Postsecondary Education Commissions)

APPENDIX: CHAPTER II

A. SUMMARY OF PROPOSED ACTIVITIES OF SECTION 1202 STATE COMMISSIONS FOR 1974-75

Alabama	Assessment of current planning efforts and of related data; identification of indicators showing concerns, needs and problem areas; exploration of alternative planning strategies to overcome these concerns, needs and problem areas.
Arizona	Development and initiation of comprehensive inventory of postsecondary educational organizations and programs; dissemination of results of the inventory to interested persons; establishment of a planning schedule for further study of educational resources.
Arkansas	Survey of all postsecondary education opportunities, including identification of institutions, accreditation status and programs offered; study of student financial needs within the postsecondary education community; development of tentative recommendations concerning future planning and coordination of postsecondary education.
California	Training of selected staff members in use of the data base developed by the National Commission on the Financing of Postsecondary Education; development of an up-to-date data base for postsecondary education using the Higher Education General Information Survey (HEGIS) data for 1974-75 in a pilot project; preparation of an inventory of data bases maintained by the several segments of postsecondary education, including an analysis of reports that aggregate selected data elements.
Connecticut	Inventory of postsecondary institutional resources; studies of student demand, institutional finance and student finance; investigation of how the commission can relate most effectively to postsecondary institutions not previously included in its responsibilities.
Delaware	Survey of available resources for student financial assistance; coordinate and maximize statewide planning for financial aid to postsecondary students; study of the nature, purposes and adequacy of federal funding for postsecondary programs; coordinate planning and articulation between institutions and agencies; strengthen cooperative relationships; develop closer articulation between associate and

Delaware (Cont'd)	bachelor's degrees in career education; plan for broadening the scope of career and occupational education programs; provide for a data bank; organize the commission to carry out its obligations.
District of Columbia	Review of existing higher education resources in the District of Columbia, acquisition of consistent data on noncollegiate postsecondary institutions and continuing HEGIS data collection and analysis, which will allow the commission to assess the adequacy of program availability and develop plans for program additions or the elimination of unnecessary duplication.
Florida	Meetings and work sessions of the commission and planning activities related to programs offered by public and private postsecondary institutions.
Georgia	Studies of postsecondary education and development of a statewide plan for the expansion or improvement of postsecondary education.
Hawaii	Inventory of all postsecondary education services; survey of needs for these services, especially in vocational-technical areas; conferences among persons engaged in postsecondary education; a plan for the most effective delivery of postsecondary education services.
Idaho	Establishment of a data base to provide comparable data on education costs, student financial needs and education programs for all postsecondary institutions; determination of unmet needs or duplication of programs; establishment of priorities for expenditure of public and private resources.
Illinois	Study of community college financing; review and assessment of enrollments, services, program planning and problems of proprietary schools; survey and evaluation of postsecondary vocational-technical education in public and private institutions; review of tuition and fee practices as well as other student costs at these institutions; review of relationships among public and private junior and senior institutions as a basis for developing planning guidelines for all sectors; updating a report on strengthening private higher education for the purpose of evaluating programs of student financial assistance and students enrolled in private higher education.
Indiana	Coordinate the development and preparation of campus long-range master plans of all public and nonpublic postsecondary institutions; collect, analyze and distribute fall 1973 building condition data for all public and nonpublic postsecondary institutions; coordinate the preparation of 1975-77 operating budget requests for public higher education and scholarship and loan program requests for all postsecondary education.

Iowa	Statewide survey of high-school seniors to determine their plans for postsecondary education, career goals and collective need for financial assistance; survey of postsecondary institutions to determine the amount and types of financial assistance currently available from all sources as well as dollar gaps between student needs and existing resources.
Kansas	Development of a working knowledge concerning the scope and variety of postsecondary education activities being conducted in both the public and private sectors; determination of types of data presently available among the various segments of postsecondary education and the extent to which the data are compatible and useful for planning activities; review of previous planning activities to determine which should be continued, updated or refined.
Louisiana	Extension of liaison with the various identifiable postsecondary education groups and encouragement of dialogue and interaction among governing boards, commissions and individuals.
Maine	Statewide planning activities involving a search for methods to maximize public awareness of student assistance programs and a study of alternatives related to better coordination of state and federal efforts in disseminating information; use of available data to support a cooperative venture involving several institutions in a particular county; study of alternatives for financing higher education with emphasis on the private sector; development of enrollment data and enrollment guidelines; review of the present structure of the commission; and periodic review of the planning proposal.
Maryland	Inventory of: (1) the existing planning, management and policy-setting mechanisms of the various state-level boards, organizations and agencies concerned with postsecondary education; and (2) a representative sample of postsecondary institutions including four community colleges, three state colleges, the University of Maryland, three private institutions and five proprietary institutions.
Massachusetts	Augmentation of an effort to test the national planning model developed by the National Center for Higher Education Management Systems at WICHE.
Michigan	Comprehensive inventory of instructional programs at baccalaureate, graduate and professional levels among postsecondary institutions, including planning efforts for other postsecondary activities.

Minnesota	Review of planning processes and practices and investigation and assessment of the implications of changing enrollment patterns, education needs and interests with regard to postsecondary education.
Mississippi	Development of policies for consistent planning in the areas of program offerings, new sites for colleges and construction on existing campuses.
Missouri	A study of the quality of existing facilities for public and private postsecondary institutions other than public four-year institutions, which were surveyed in 1971-72.
Montana	Development of a compatible data base for all postsecondary institutions, including data on students, faculty, finance, facilities and curricula; update or initiation of curriculum or academic program inventory for all postsecondary units and agencies under the State Board of Education; development of broadening of methods for projecting student enrollments; expansion of facilities inventory and classification system to include all postsecondary institutions using the current HEGIS taxonomy and room classification system.
Nebraska	Establishment of a cooperative environment among postsecondary institutions; development of a plan for coordination of higher education to be submitted to the governor; development of a higher degree of coordination between state agencies and postsecondary institutions; identification and collection of data significant to long-range planning.
Nevada	Coordination of efforts to develop a four-year master plan for the University of Nevada System and postsecondary programs in the private sector.
New Hampshire	Development of a plan to coordinate the activities of two committees appointed by the legislature to study ways of providing state aid to private institutions and to students.
New Jersey	Comprehensive inventory and study of postsecondary education resources, material and finances, including publication of descriptive guides to institutional offerings, a study of noncollegiate offerings and a study of fiscal needs and resources.
New Mexico	Study of allied-health manpower demands and training needs; examination of approaches to identifying and meeting education needs of nontraditional students; analysis of demand for student financial aid of all kinds and utilization and impact of existing student-aid programs.

New York	Survey of all forms of noncollegiate postsecondary institutions located in New York State to determine the number, types, academic or education programs, enrollment, source of clientele and cost.
North Dakota	Comprehensive inventory of postsecondary programs; study of current and projected needs for occupational opportunities; survey of all high-school students enrolled as juniors and seniors to determine general attitudes and interests regarding postsecondary education.
Ohio	Definition of needs of persons within various regions of Ohio for college transfer, technical education and adult education services ordinarily associated with fully developed two-year institutions; inventory of existing programs currently offered by public, private nonprofit and proprietary institutions seeking to meet those needs; development of coordinative procedures within each region to increase service where needed, including exploration of desirable relationships among public, private nonprofit and proprietary institutions; inventory and analysis of the productivity of all graduate-level programming within public and private institutions, with a view to increased effectiveness of resource utilization, increased interinstitutional cooperation in programming and exploration of coordinative procedures for assuring adequate programming without unnecessary overlays of efforts.
Oklahoma	Inventory of technical and occupational programs at state system institutions during fiscal year 1974.
Oregon	Compilation and validation of a comprehensive plan for postsecondary education in Oregon, including all segments and activities of education beyond the secondary level, with policy recommendations in four areas: (1) comprehensive planning, (2) governance and finance, (3) instruction and (4) auxiliary services.
Pennsylvania	Continue development of a plan for a comprehensive system encompassing all forms of postsecondary education, utilizing wherever feasible the concept of regionalization and thereby providing educational opportunities and programs for all who have the aptitude and motivation to pursue postsecondary education; immediate objectives to include development of statewide plans for teaching and support personnel in special education, two-year programs, medical and allied-health education, graduate education and lifelong learning, continuing education, higher education enrollment and institutional long-range plans.

Rhode Island	Development of a draft statement on the purposes of postsecondary education and related activities required to accomplish them; organization and staffing of status review committees to evaluate selected activities; organization of community forums to review the comprehensive plan for postsecondary education; assessment of the current status of postsecondary education opportunities and how these might be improved; development of a program for comprehensive student financial assistance; organization of committees to review and refine the various dimensions of a student financial assistance program; studies to determine the likely impact of various parts of such a program; organization of community forums to review and participate in the development of such a program; continuous development of a management information system.
South Carolina	Preparation for a total planning effort by developing an appropriate planning directive; initiation of planning required by Title X in the Higher Education Act of 1965, as amended; implementation of such additional planning as may be feasible.
South Dakota	Survey of private and proprietary postsecondary institutions to determine their respective roles, with an eye toward future statewide coordination and cooperation.
Texas	Reassessment of the postsecondary education system as a basis for determining the degree to which it satisfies the comprehensive planning and coordination needs of postsecondary education, with the reassessment based on research having as its components a description of existing efforts of all postsecondary education functionaries, a determination of the need for planning and planning coordination and an analysis of the data needed for planning.
Utah	Establishment of at lease three study committees to make recommendations regarding vocational-technical education, continuing education and community service and postsecondary education finance.
Vermont	Review of the present organizational structure of postsecondary education in Vermont; establishment of comprehensive accountability measures; inventories of existing services, programs, facilities and resources; determination of how best to meet postsecondary educational needs; and development of alternative options for governance of public postsecondary education.
Washington	Comprehensive postsecondary education planning involving strategic planning efforts on educational goals, nontraditional education needs, financing policies and roles and missions of all postsecondary institutions; and tactical planning efforts on service level analysis, enrollment estimates, degree program inventories, cost analysis and a review of existing graduate programs.

West Virginia	Compilation and analysis of a comprehensive inventory of all postsecondary education resources, programs, personnel and facilities.
Wyoming	Development of an information system on postsecondary institutions and compilation of needs assessment information for new program development.

B. SUMMARY OF EFFORTS TO COORDINATE SECTION 1203 ACTIVITIES WITH VOCATIONAL EDUCATION AND MANPOWER PLANNING

Alabama	The executive directors of various organizations, including the Advisory Council on Vocational Education, are members of task forces that assist the state commission in its work. The executive officer of the state commission works closely with these individuals. Much time was consumed initially in developing working relationships, procedures and techniques. As a result, the state commission has the cooperation and support of the entire education community.
Arizona	The state commission includes two members of the Advisory Council on Vocational Education and the executive officer attends monthly meetings of the council. The state commission is included in annual review of the state plan for vocational education.
Arkansas	An agreement has been made with the State Department of Education to form a review committee to look at all vocational-technical programs. The committee will include staff members from both agencies, plus others. Meetings have been held with persons who license proprietary schools and legislation is being introduced in this area.
California	The legislation creating the Postsecondary Education Commission specifically enjoined it to incorporate in its planning efforts manpower planning and vocational education. Members of the commission include all persons who are responsible in some way for planning and administration of vocational programs in the state, such as the chairman of the State Board of Education, the chairman of the Advisory Council on Vocational and Technical and representatives of the community colleges and proprietary schools. The commission has as one of its highest priorities the development of a coordinating mechanism to pull together planning for all vocational education in the state. In addition, it is developing a management information system to prepare an inventory of all of the institutions in the state offering vocational-technical education, as well as to incorporate the program planning efforts of all segments of postsecondary education.
Connecticut	Persons knowledgeable about statewide vocational education and manpower planning will be involved in the planning process as members of a resource group considering proprietary schools. Officials from the State Department of Education who work in the field of vocational education serve as members of a subcommittee on coordination of planning. The executive officer of the state commission serves as a member of the Advisory Council on Vocational Education and the State Board of Education. The executive officer of the State Board of Education serves as a member of the state commission.
Delaware	The executive director of the state commission has contacted the executive director of the Advisory Council on Vocational Education to discuss roles and responsibilities, and plans to contact the executive director of the State Manpower Services Council as soon as possible.

District of Columbia	The state commission plans to add a representative of the Advisory Council on Vocational Education to its membership in addition to persons who already represent proprietary institutions and public schools. The state commission has not yet examined in depth how it will plan for and promote coordination between postsecondary and vocational education, but such responsibilities will be pursued carefully.
Florida	The executive officer of the state commission and the director of vocational education both report directly to the commissioner of education. The legislature has designated a State Manpower Advisory Council in the State Department of Commerce which includes the director of vocational education as a member. The Department of Education has established local coordinating councils to strengthen and ensure coordination of vocational programs and manpower programs.
Georgia	There has been significant dialogue between the staff of the state commission and the Advisory Council on Vocational Education centering on the role of the state commission with respect to Title X. The executive officer has worked with members of the State Board of Education on matters related to information exchange and has contacted several agencies under the State Department of Labor in an effort to secure manpower planning data.
Idaho	The state commission has formed a Postsecondary Education Advisory Council to provide broader and more equitable representation for the general public and the different types of postsecondary institutions. The council includes a member of the Advisory Council on Vocational Education and the state director for vocational education. The executive officer of state commission has met with state-level vocational education personnel on numerous occasions, but planning coordination is only beginning to develop.
Illinois	The state commission in its role as the Board of Higher Education has final program approval powers and has adopted procedures concerning review of occupational programs at public community colleges which are also reviewed by the State Board of Vocational Education and Rehabilitation. The Board of Higher Education also has conducted several manpower studies throughout the years. Recent legislation provides for a standing joint committee of three members from the Board of Education and the Board of Higher Education to consider policy in areas of concern to all levels of education, including vocational education.
Indiana	Several activities are underway which will strengthen efforts to coordinate proposed activities with vocational education and manpower planning. The state commission in its role as the Commission for Higher Education is conducting statewide planning activities other than those supported from funds under Section 1203 and every effort is being made to coordinate all of these. The executive officer is a member of the State Manpower Services Council. Coordination of proposed activities with vocational education planning is

not as direct as it is with manpower planning, but informal relationships ensure some degree of coordination. A study committee on vocational education might be established in the future. Legislation is pending which will strengthen coordination of vocational education if passed.

Iowa — There is little to report at this time regarding coordination of proposed activities with vocational education and manpower planning. An education and career goals study which is underway should provide a useful tool for assessing demand for a vocational program throughout the state.

Kansas — The state commission is composed of legislators and is therefore directly involved in state policy making both in terms of substantive issues and provision of public funding for education activities. Because of the unique composition of the state commission, the various segments of postsecondary education are expected to provide whatever assistance is requested to facilitate planning efforts.

Louisiana — A series of meetings involving all segments of postsecondary education is being conducted and a substantial portion of the third meeting will be devoted to the subject of coordinating proposed activities with vocational education and manpower planning. An exploratory meeting has been held involving the state administrator of employment security, the assistant superintendent for vocational education, the director of the Advisory Council on Vocational Education, the executive secretary of the State Proprietary School Commission and others. This meeting has led to the conclusion that the state and particularly students enrolled in job-oriented curricula can benefit from a concerted effort to make the state's education opportunities commensurate with the job market.

Maine — Members of the state commission also serve as the State Board of Education, which has administrative responsibilities for the vocational-technical institutes in the state. There is a degree of coordination but much more needs to be accomplished in this area.

Michigan — The State Board of Education is charged by the Michigan Constitution with responsibility for continuous planning and coordination of postsecondary education, and for advising the governor and the legislature on approval or disapproval of all proposed or existing programs. Four major activities performed on an annual basis involve institutional role statements, program inventories, review of proposed and existing programs and updating of five-year plans. These activities encompass vocational education as well as other forms of postsecondary education and are in concert with other elements of the continuous planning and implementation program of the State Board of Education.

Minnesota — The state commission works with vocational education and manpower planning. Vocational education representatives participate in the statewide program review process and in some state student-aid programs.

Mississippi	One meeting has been held with representatives of the Vocational Education Division of the Mississippi Department of Education. Materials prepared by the Advisory Council on Vocational Education are being obtained. Additional conferences and discussions will be scheduled.
Missouri	The state commission has been in contact with the State Advisory Council on Vocational Education through its executive secretary and the council will probably serve the state commission in an advisory role.
Nebraska	Major emphasis has been placed on gathering data about postsecondary education and needs related to it. Staff members have been in contact with and used data of agencies closely involved in vocational education. Informal discussions have been held with administrators and advisory board members associated with vocational education. The President of the State Board of Vocational Education is a member of the state commission. The executive director of the Advisory Council on Vocational Education has attended a meeting of the state commission. The present mission of the state commission is to identify a coordinating structure which must have coordination of postsecondary planning with statewide vocational education and manpower planning as one of its features.
Nevada	The state commission in its role as the University of Nevada Board of Regents has completed a comprehensive state plan which includes a section on nonpublic postsecondary education. The plan refers to a higher education commission consisting of nine members of the regents, augmented by a representative of the vocational-occupational sector and a representative from the private sector. The function of the commission will be to review the state plan for higher education.
New Hampshire	There are no plans for coordination yet, but the matter is being considered.
New Jersey	Coordination will result from representation on the state commission and from plans to use a substantial part of 1975-76 funds to relate occupational programs at community colleges with county vocational curricula and to develop outcome measures for occupational education.
New Mexico	The state commission is presently engaged in efforts to achieve better coordination, and feels that the majority of manpower programs could and should be a part of the commission's activities. This would save resources and extend educational opportunity more effectively to target groups.

New York	Members of the state commission receive direct input from the assistant commissioner for occupational education in their role as the Regents of the University of the State of New York.
North Dakota	Recent developments include communication with the CETA advisory council, working with a group to develop a manpower survey, coordination at the surface level, as well as the need for legislation to prescribe authority for comprehensive statewide planning.
Ohio	An informational session on vocational education has been held by the 1202 advisory committee, which includes the state director of vocational education and the superintendent of a vocational school. The state commission in its role as the Board of Regents requires all technical degree programs to have local advisory committees. Placement records from all two-year campuses are being used as part of an effort to determine where new technical programs can be supported.
Oklahoma	The state commission in its role as the State Regents for Higher Education has sought through the office of the chancellor to coordinate its efforts with the Department of Vocational Education. The result is a memorandum of understanding which has been endorsed by the legislature. Formal and informal communication continues on a regular basis.
Oregon	The state commission in its role as the Educational Coordinating Council has responsibility under Oregon law to provide coordinated planning of all postsecondary education including vocational education and manpower planning.
Pennsylvania	A representative from the Advisory Council on Vocational Education is a member of the state commission. Arrangements are being made for a meeting with executive director of State Advisory Council to identify common areas of need and bases for continuing cooperation and communication.
Rhode Island	The state commission includes members of the Board of Regents and four additional persons representing private institutions of post-secondary education more directly. The regents are responsible for all education planning including vocational education planning. The Advisory Council on Vocational Technical Education by legislative mandate recommends directly to the Board of Regents. A major planning effort by the regents which deals directly with vocational education is underway and the State Advisory Council is directly involved. A major planning project initiated by the regents prior to creation of the state commission deals with review of purposes for post-secondary education including purposes of vocational-technical education.
South Carolina	The state commission will include in its membership the chairman of the State Board for Technical and Comprehensive Education, the state superintendent of education, the chairman of the board

South Carolina (Cont'd)	governing the nine two-year branches of the University of South Carolina, representatives of the private junior colleges and a representative from the proprietary sector. All programs must clear the Council on Vocational Education. Activation of Section 1056 will result in creation of an advisory council on occupational education which will probably include a representative from the Advisory Council on Vocational Education.
South Dakota	The State Board of Vocational Education is responsible to the Secretary of Education and Cultural Affairs, who serves as the executive officer of the state commission for general planning, budgeting and coordination. A meeting has been held with the state director of vocational education to discuss mutual areas of concern. Preliminary discussions have also been held with the executive officer of the Advisory Council on Vocational Education.
Texas	The state commission is composed of three members each from the State Board for Vocational Education, the Coordinating Board, Texas College and University System and the Advisory Council for Technical Vocational Education. It is charged with coordinating the approval and funding of vocational-technical programs including vocational-technical teacher education programs.
Utah	The state commission proposes to establish at least three study committees, one of which will be called the vocational-technical education committee and will include representatives of the State Board for Vocational Education, the Advisory Council on Vocational Education, the Manpower Planning Council, deans of vocational education at public and private institutions, area vocational centers and proprietary institutions.
Vermont	The state commission includes the executive director of the Advisory Council on Vocational Education, the director of the Office of Manpower Services and the commissioner of the Department of Education, as well as several other members who have either strong interests in or some degree of responsibility for vocational education and manpower planning. One of the first efforts of the state commission was to address itself to planning for community college programs.
Washington	The staff of the state commission is cooperative with the State Coordinating Council for Occupational Education, the superintendent of public instruction and the State Board for Community College Education on a project in the area of vocational education and manpower planning.
West Virginia	A number of steps are being taken and it is hoped that efforts of the state commission can be devoted exclusively towards a coordinated plan for area vocational schools and institutions of higher education. A manpower planning effort is underway in the Department of Labor and representatives of the state commission are afforded opportunities to provide input from time to time.

Wyoming	The executive officer of the state commission is former state director of occupational education. Weekly meetings with the new state director of occupational education are being held to insure smooth transition and coordination. Joint planning with institutional personnel is underway for development and support of inservice workshops for occupational teaching. Four regional manpower development seminars are being planned. The state commission is cooperating in a statewide postsecondary occupational and manpower needs assessment survey with the Employment Security Commission, the Department of Labor and the Community College Commission.

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American Samoa	The state commissioner serves on the State Board for Vocational Education and the Board of Higher Education which is responsible for the community college.
Puerto Rico	Legislation has been passed authorizing the State Board of Vocational and Technical Education to administer vocational education and technical and high skills programs. The board has an executive committee composed of the Secretary of Education, president of University of Puerto Rico and the director of the Puerto Rico Industrial Development Company. Top priorities are: (1) technical and postsecondary education and (2) an effective coordinated program for manpower development. An interagency committee has been established to work on a statewide plan for manpower development.